

REGIONAL GOVERNMENT AUTONOMY IN INDONESIA: THE AMBIGUITY OF THE FEDERALISM OR REPUBLIC MODEL

^{i,*}Muhammad Mutawalli Mukhlis, ⁱⁱMaskun, ⁱⁱⁱMuhammad Saleh Tajuddin, ^{iv}Dewi Andriani,
^vRizal Muchtasar, & ^{vi}Ahmad Masum

ⁱSyariah dan Ekonomi Bisnis Islam, Sekolah Tinggi Agama Islam Negeri Majene, Majene, Indonesia

ⁱⁱFaculty of Law, Hasanuddin University, Makassar, Indonesia

ⁱⁱⁱFaculty of Ushuluddin and Philosophy, Universitas Islam Negeri Alauddin Makassar, Indonesia

^{iv}Sultan Haji Hassanah Bolkiyah Faculty of Law, Universiti Islam Sultan Sharif Ali, Bandar Seri Begawan, Brunei Darussalam

*(Corresponding author) e-mail: muhammadmutawalli@stainmajene.ac.id

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ABSTRACT

Over the years, there has been ongoing debates regarding the optimal role and status of regional governments as representatives of the central government, with a primary focus on the degree of autonomy afforded to local governments. This paper provides a critical analysis of the issues surrounding regional government autonomy within a republican framework. Central to this examination are significant concerns about the relationship between the central government and regional administrations, extending down to the grassroots level, as well as the dynamics between regional governments and village-level administrations. The research methodology employed in this study is doctrinal, scrutinising the Constitution of Indonesia and other relevant legal frameworks concerning regional governance. The findings reveal that constitutional provisions in Indonesia serve as a basis for unwarranted central government interference in regional affairs. Despite the constitutional mandate to free regional governance from central control and allow for independent regional management, practical and ideological challenges persist. The results indicate that while the Indonesian Constitution aims to provide regional governments with significant autonomy, in practice, the central government retains substantial control over regional affairs. This central interference often undermines the effectiveness and independence of regional administrations, particularly at the village level. The study highlights the need for a clearer delineation of powers to enable more effective regional governance. In conclusion, the paper asserts that the republican governmental system inherently supports the existence of regional administrations capable of independent operation. However, constitutional constraints pose significant challenges to achieving a fully autonomous regional governance system. The study proposes that further delegation and realisation of broad and independent regional management should be entrusted to regional governments through comprehensive decentralisation. Nonetheless, achieving this remains challenging due to the prevailing dualistic paradigm of regional autonomy. The paper calls for a more robust framework to ensure true autonomy for regional governments, involving a significant shift in both legal and administrative practices to reduce central government interference and enhance local governance capabilities.

Introduction

In most countries with a republican system, there exists a multi-tiered structure of government. At the national level, there is a central government, while at the regional or local level, various entities—such as provinces, cities, and districts — operate with varying degrees of autonomy. These regional governments have their own representative bodies, such as regional representative councils and city councils. The central government delegates its powers and functions to these regional levels, resulting in a system of decentralized governance. This delegation of authority allows for the division of government responsibilities across different levels, each operating independently within their defined areas, as outlined by constitutional provisions. The republican form of government is characterized by the principle that governmental authority derives from the people and is exercised through elected representatives. Unlike monarchies, republics lack a hereditary ruling class, ensuring that power is not concentrated in the hands of a select few. In essence, a republic emphasizes self-governance and the participation of citizens in shaping their collective destiny.

Devolution, in accordance with the 1945 Constitution, aims to transfer political, administrative, and economic authority from the central government to regional entities. The objectives encompass fostering community engagement in the decision-making process, enhancing accountability and representation, and promoting the efficient management of resources to facilitate holistic development. The transition towards a devolutionary republic signifies a preference for a responsible and transparent government system in which citizens can shape their political fate. This transition is rooted in the belief that empowered individuals, through local democratic institutions, can collaborate towards common objectives with fairness and respect. Power devolution, a form of decentralisation, seeks to accelerate national progress through regional governance frameworks, thereby reducing the risks associated with excessive centralisation of political and economic power, which can lead to economic crises and inflation (Dalhatu, 2006).

The devolution of power to local communities serves as a catalyst for active political engagement, acting as a bulwark against potential tyranny and authoritarianism that may arise from the geographical distance between the central government and local communities. Empowering local communities at the regional level through devolution enhances the legitimacy of government and its initiatives. From an economic perspective, this enables governments to tailor the distribution of public goods and services to meet local needs, fostering healthy competition among diverse local administrations. The Republic of Indonesia is a unitary state, not a federal republic. In a state that is unitary, the central government has the ultimate power, and any administrative units (regions) have only the authorities that the central government decides to assign. The devolution of power to local communities serves as a catalyst for active political engagement, acting as a bulwark against potential tyranny and authoritarianism that may arise due to the geographical distance between the central government and local communities. Empowering local communities at the regional level through devolution enhances the legitimacy of government and its initiatives. From an economic perspective, this enables governments to tailor the distribution of public goods and services to meet local needs, fostering healthy competition among diverse local administrations.

Moreover, devolution encourages governments to devise innovative social policies and regulations, facilitating greater political participation and opportunities for local minority groups in governance and decision-making processes. This approach helps maintain regional autonomy and preservelinguistic identity. As advocated by Ortega (1990) and (Hatchard et al., 2004) devolving power to local communities not only strengthens democratic governance but also promotes inclusivity and diversity in policymaking, ensuring more responsive and effective governance at the grassroots level. The devolution of power addresses the cultural and linguistic identities of sub-groups while also representing citizens' interests in government affairs. Therefore, empowering local communities through the delegation of authority is a crucial aspect of governance within a republican system. Although the doctrine of autonomy is typically associated with a functional federal form of government, its inclusion within a republican system offers additional checks and balances on the central government, enhancing the security of the constitutional order and the stability of social issues — a vital component for economic progress, social order, and overall development within a constitutional framework.

Nevertheless, the delegation of power to regional governments presents its own set of challenges. One such challenge is establishing a framework that ensures a balance of power between the central government and the authority and resources vested in regional administrations. This institutionalisation process is critical for maintaining effective governance and fostering cooperation between different levels of government (Hidayat, 2017). The second issue pertains to the relationship dynamics between the central government and regional administrations, aiming to foster cohesion and constructive interaction. Essentially, the question arises: should local governments rely on the central government, or should they operate independently with autonomous authority over their affairs, similar to the setup in federal and state governments within a federal system? Lawmakers and policy drafters face the daunting task of ensuring efficient and effective management of these issues, along with related matters, to minimise friction and unhealthy competition while promoting cooperation for balanced governance and equitable development.

Although legislative powers are delimited and apportioned between the central government and regional administrations, according to the provisions of the 1945 Constitution (UUD 45) and statutory procedures, the latter operate under laws enacted by the central legislative body. This underscores the complex interplay between central and regional governance structures, highlighting the need for comprehensive legal and policy frameworks that facilitate harmonious collaboration and streamline decision-making processes for optimal governance and development outcomes (Sujatmiko et al., 2024). This issue has caused significant disagreement within analysts of the Indonesian legislation and politics. The crux of the matter lies in differing preferences regarding the autonomy of regional governments. Although several urge for the complete delegation of authority and independent tasks to legislative and executive councils in regional governments, others prefer keeping the status quo, as the local governments remain supplementary to the centralized government. This sensitive topic has been worsened by issues associated with the execution of national strategic initiatives in the regions, generating talks about extending greater power to regional administrations. In this study, the author dives into the position of regional governments as specified in the Indonesian constitution, investigating the required collaboration among the central government and regional institutions, and examining regional governments at the level of the grassroots.

Furthermore, the author investigates crucial concerns regarding the government of the region's autonomy in terms of regulation and the definition of its limitations. Prior to this analysis, the author provides a brief exploration of the historical aspect of regional government autonomy in Indonesia. This historical examination aims to shed light on the intricate challenges associated with regional government autonomy within a republican system and the sustainability of such autonomy. The devolution of authority to regional administrations inside the one state of Indonesia has its own set of issues. One significant challenge is establishing a framework that ensures a balance of power between the central government and the authority and resources vested in regional administrations. This institutionalisation process is critical for maintaining effective governance and fostering cooperation between different levels of government (Arifin, 2024). The second issue pertains to the relationship dynamics between the central government and regional administrations, aiming to foster cohesion and constructive interaction. Essentially, the question arises: should local governments rely on the central government, or should they operate independently with autonomous authority over their affairs, similar to the setup in federal and state governments within a federal system?

Lawmakers and policy drafters in Indonesia face the daunting task of ensuring efficient and effective management of these issues, along with related matters, to minimise friction and unhealthy competition while promoting cooperation for balanced governance and equitable development. Under the provisions of the 1945 Constitution (UUD 45) and statutory regulations, although legislative functions are delineated and distributed between the central government and regional administrations, the latter operate under laws enacted by the central legislative body. This underscores the complex interplay between central and regional governance structures, highlighting the need for comprehensive legal and policy frameworks that facilitate harmonious collaboration and streamline decision-making processes for optimal governance and development outcomes (Fatimah et al., 2024). This situation has sparked considerable controversy among observers of the Indonesian constitution and politics. The crux of the matter lies in differing preferences regarding the autonomy of regional governments. Although several urge for the complete outsourcing of authority and independent tasks to the executive and legislative councils in regional governments, others prefer keeping the status quo, as local governments remain supplementary to the centralized government.

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Throughout this study, the author goes into the position of regional governments as specified in the Indonesian constitution, investigating the required connection among the centralized government and regional institutions, as well as local governments at the local level. Furthermore, the author investigates crucial concerns regarding local government autonomy in terms of legislation and the definition of its limitations. Prior to this analysis, the author provides a brief exploration of the historical aspect of regional government autonomy in Indonesia. This historical examination aims to shed light on the intricate challenges associated with regional government autonomy within a republican system and the sustainability of such autonomy. The debate surrounding regional government autonomy in Indonesia is multifaceted. On one hand, proponents argue that granting greater autonomy to regional governments is essential for promoting local decision-making and addressing the diverse needs of different regions. They contend that empowering regional governments can lead to more efficient and effective governance, as local authorities are better equipped to understand and respond to local concerns. Additionally, proponents argue that increased autonomy can enhance democratic participation and accountability, as it allows for greater citizen engagement in local governance processes (Ismoilova, 2022).

On the other hand, opponents of extensive regional autonomy express concerns about potential fragmentation and inconsistency in governance across different regions. They argue that excessive decentralisation could undermine national unity and lead to disparities in the provision of public services and resources among regions. Furthermore, opponents raise issues regarding the capacity and readiness of regional governments to effectively manage increased autonomy, including concerns about governance capacity, fiscal management, and regulatory enforcement. Overall, the discussion surrounding regional government autonomy in Indonesia is complex and multifaceted, involving considerations of constitutional principles, governance structures, and the balance between centralisation and decentralisation. Finding a balanced approach that addresses the diverse needs and concerns of different stakeholders while ensuring effective governance and national cohesion remains a significant challenge for policymakers and scholars alike.

The debate surrounding regional government autonomy in Indonesia is multifaceted and deeply significant. On one hand, proponents argue that granting greater autonomy to regional governments is essential for promoting local decision-making and addressing the diverse needs of different regions. They contend that empowering regional governments can lead to more efficient and effective governance, as local authorities are better equipped to understand and respond to local concerns (Sahid et al., 2020). Additionally, proponents argue that increased autonomy can enhance democratic participation and accountability, as it allows for greater citizen engagement in local governance processes. Empowering regional governments aligns with democratic principles by fostering more localised governance, thereby facilitating a closer relationship between government officials and the communities they serve. This proximity can result in governance that is more attuned to local needs and preferences, potentially leading to higher satisfaction among citizens and more robust civic participation. Moreover, regional autonomy can serve as a catalyst for innovation in public administration, as regions experiment with tailored solutions to their unique challenges. This localised approach can lead to a more dynamic and responsive governance framework, improving the overall effectiveness of government interventions. On the other hand, opponents of extensive regional autonomy express concerns about potential fragmentation and inconsistency in governance across different regions. They argue that excessive decentralisation could undermine national unity and lead to disparities in the provision of public services and resources among regions. Furthermore, opponents raise issues regarding the capacity and readiness of regional governments to effectively manage increased autonomy, including concerns about governance capacity, fiscal management, and regulatory enforcement (Askar & Mukmin, 2020).

The central government's role in maintaining national cohesion is critical, and opponents fear that too much decentralisation could weaken the central government's ability to ensure equitable development and service provision across the country. The disparity in resources and administrative capacity between regions can exacerbate inequality, leaving less-developed areas at a disadvantage. These concerns highlight the need for a balanced approach that strengthens regional governance while maintaining oversight and support from the central government. The urgency of this topic stems from its direct impact

on Indonesia's socio-political stability and development trajectory. Indonesia's vast and diverse archipelago presents unique governance challenges that necessitate a nuanced approach to regional autonomy. The balance between centralisation and decentralisation is not merely an administrative issue but a critical factor in ensuring equitable development, national unity, and the effective delivery of public services. Policymakers must navigate these complexities to formulate policies that harness the benefits of regional autonomy while mitigating potential risks. Furthermore, the constitutional and legal frameworks governing regional autonomy in Indonesia are pivotal in shaping the country's governance structure. Analysing these frameworks is essential to understand the extent of autonomy afforded to regional governments and the limitations imposed by the central government. This analysis can reveal underlying tensions and provide insights into how the governance system can be reformed to better balance regional and central interests.

Literature Review

Regional autonomy entails the conferral of authority upon regional governments to autonomously oversee and administer state affairs. Essentially, regional governments possess both the entitlement and responsibility to enact decisions pertaining to regional interests. This authority is exercised expansively, comprehensively encompassing the planning, execution, oversight, regulation, and assessment of all facets of governance. Referred to as local government or autonomous regional government, the jurisdiction of regional governments spans various dimensions of governance and governmental administration at the local level. Typically, the powers of local governments are delineated by the laws and constitution of a nation.

In Holzinger's et al., (2019), the relationship between the state and indigenous peoples is reassessed. This study investigates the regulations safeguarding the rights of indigenous peoples across 193 member countries of the United Nations. The research reveals that countries experiencing heightened ethnic tensions are more inclined to acknowledge customary law and traditional structures. Conversely, in relatively homogenous nations, recognition primarily centres on communal rights. This recommendation underscores the necessity of addressing structural aspects to manifest legal and political pluralism effectively. Additionally, the study highlights that the acknowledgment of customary law predominantly occurs at the legal level, with only a few countries incorporating such recognition into constitutional or statutory frameworks.

The overarching objective of granting extensive autonomy to regions is to enhance service provision, empower communities, and bolster civic participation. Furthermore, there is a need to foster regional competitiveness while upholding principles of justice, democracy, equitable development, and acknowledging the unique characteristics and potential of each region. Research conducted by Rodes Ober Pardosi (2023) suggests that the central government must synergise and take a role in formulating regional policies even though it remains based on the principle of decentralisation regarding regional authority.

Nevertheless, the role of coordination and communication with regional governments is deemed imperative for enhancing regional policies that may deviate from their original objectives. Synergy is regarded as crucial for upholding the mandates of the constitution and laws, as well as the principle of granting regional autonomy, ensuring its effective implementation.

Otong Rosadi (2015) assumes that by making the household system and emphasising autonomy a permanent legal politics or fundamental legal politics. The urgency of this regulation is aimed at not giving the impression that political regulation of regional laws and regulations is an open legal policy. The lack of clarity in the constitutional norms governing this matter encourages the central government and the DPR to freely interpret and fill in the meaning of Article 18 in accordance with the desired legislative (regional government) politics.

Johansyah (2018) stated in his writing that with the implementation of regional autonomy, it is hoped that regional governments will pay close attention to the rights and obligations of autonomous regions. Regional autonomy should be regarded as an obligation than a right, emphasising the regional duty to facilitate development as an effort to achieve the welfare of the people which must be accepted and implemented with a full sense of responsibility. Self-regulation and management of government affairs

are carried out based on the principle of the widest possible autonomy according to Article 18, paragraph (5). In subsequent arrangements, many groups interpret the broadest autonomy as leading to a system of federalism. Apart from this view, it needs to be emphasised that further regulation in the law is a matter of interpretive choice for the national legislator. Many groups interpret the broadest autonomy as leading to a system of federalism, which involves a constitutional division of power between a central government and regional governments, each with authority over certain areas. This interpretation suggests a more formal and rigid separation of powers. However, it is crucial to emphasise that in a unitary state like Indonesia, the extent and nature of regional autonomy are determined by national legislation, subject to the interpretive choices of the national legislator. Unlike other writings that may lean towards a federalist interpretation, suggesting a shift towards a constitutional division of power, this article examines regional autonomy strictly within Indonesia's unitary state framework. It does not advocate for a federalist system but explores how extensive autonomy can be implemented while maintaining national unity and the central government's ultimate authority (Fatoni, 2020).

While other writings often emphasize constitutional changes and the establishment of federal structures, this article highlights the critical role of national legislation in defining and regulating the extent of regional autonomy, underscoring that it is a matter of legislative interpretation and policy choices, allowing for flexibility within the unitary system. Additionally, this article pays significant attention to the practical challenges and ideological conflicts within Indonesia's current legal and constitutional framework, exploring how these challenges impact the implementation of regional autonomy in practice. It conducts a thorough analysis of the Indonesian Constitution and relevant legal frameworks to understand the provisions and constraints that shape regional governance, providing a detailed critique of their interpretation and application. Unlike other writings that might strongly advocate for either greater decentralisation or stronger central control, this article seeks a balanced approach that recognises the importance of both autonomy and central oversight. It proposes a model of comprehensive decentralisation aimed at enhancing regional governance while ensuring national cohesion and equitable development. Furthermore, while other writings often assume regional governments are ready and capable of handling increased autonomy without addressing potential shortcomings, this article examines the capacity and readiness of regional governments to manage greater autonomy effectively, identifying areas where capacity-building and central government support are necessary for successful decentralisation (Elia et al., 2020).

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authority. Nevertheless, the role of coordination and communication with regional governments is deemed imperative for enhancing regional policies that may deviate from their original objectives. Synergy is regarded as crucial for upholding the mandates of the constitution and laws, as well as the principle of granting regional autonomy, ensuring its effective implementation.

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Research by Revell (2022) delves into the impact of regional autonomy on local economic development. Their study examines case studies from various countries where regional autonomy has been implemented, analysing its effect on local economies. The findings indicate that regions with greater autonomy tend to exhibit higher levels of economic growth, primarily due to the tailored economic policies that cater to local needs and potentials. However, the research also points out the disparities that can arise between more and less developed regions, suggesting the need for balanced policy frameworks to ensure equitable growth.

Hasan et al., (2022) explore the social implications of regional autonomy, particularly focusing on public health outcomes. Their comparative analysis of decentralised health systems in different countries reveals that regional autonomy can lead to improved health services and outcomes, as local governments are better positioned to address specific health issues pertinent to their populations. However, the study also warns of the risks of uneven health service quality and access, emphasizing the importance of maintaining national standards and oversight.

In a study by Banerjee (2020) the political dynamics of regional autonomy are investigated. The research discusses how regional autonomy can influence political stability and governance quality. It finds that while regional autonomy can enhance political participation and accountability at the local level, it can also lead to increased political fragmentation and conflict if not managed carefully. The study highlights the necessity of strong institutional frameworks to support the effective implementation of regional autonomy.

An analysis by Lemos and Agrawal (2006) focuses on the environmental governance aspects of regional autonomy. Their research indicates that regions with autonomous powers are better able to implement and enforce environmental policies that reflect local ecological conditions and priorities. This localised approach can lead to more sustainable environmental management practices. However, the study also notes potential challenges in coordinating environmental policies across regions, particularly in countries with diverse ecological zones.

Finally, Di Zhang and Liu (2023) examine the role of regional autonomy in cultural preservation and promotion. Their study finds that regional governments with autonomy are more effective in preserving local cultures and languages, as they can implement policies that directly support cultural heritage and community practices. The research underscores the importance of regional autonomy in fostering cultural diversity and promoting inclusive national identities.

Methodology

This research employs a qualitative approach, specifically utilising normative legal research methods. Normative legal study examines the relationship between constitutional principles, ideas, conceptions, and principles, as well as statute restrictions. The foundation for this study comprises primary legal materials such as the 1945 Constitution of the Republic of Indonesia and the Regional Government Law. To address the research problem more practically and effectively, various methodological approaches are employed, including legal, conceptual, philosophical, historical, and comparative approaches. Secondary legal materials encompass a diverse range of research discussing regional government, decentralisation theory, centralisation theory, and the concept of regional government within federal or republican states. In addition to these legal sources, non-legal materials are considered, including studies on regional government federalism, regional autonomy in republican countries, and developments in Indonesia's constitutional and socio-political system. The analysis of legal materials involves compiling existing legal resources, followed by a detailed legal analysis that prioritises relevant legal concepts and doctrines pertinent to the research questions. This method ensures a comprehensive examination of how statutory regulations interact with broader legal principles. The outcomes of this analysis are thoroughly documented and presented. The subsequent discussion and analysis are then collated and presented in an analytical descriptive manner, providing a clear and practical portrayal of the findings. This methodology is designed to offer a nuanced and practical understanding of the issues surrounding regional autonomy in Indonesia, ensuring that the research can effectively address the identified problems and contribute to the ongoing discourse on regional governance.

The normative legal research methods are applied in this study by systematically collecting, analysing, and interpreting both primary and secondary legal materials. Initially, primary sources such as the 1945 Constitution and the Regional Government Law are scrutinised to understand the statutory regulations governing regional autonomy in Indonesia. This involves examining legal texts to extract relevant principles, theories, and doctrines that define the legal framework for regional governance. Secondary materials, including academic papers and books on decentralisation, centralisation, and regional autonomy, are reviewed to provide contextual understanding and support the analysis of primary legal sources. The analysis of these legal materials involves a multi-step process. First, existing legal resources are compiled to create a comprehensive database of relevant legal documents and scholarly works. Following this, a legal analysis is conducted, prioritising the examination of legal concepts and doctrines pertinent to the research questions. This includes identifying and interpreting key legal principles, comparing different legal frameworks, and understanding the historical evolution of regional autonomy in Indonesia. The outcomes of this analysis are then systematically documented and presented in an analytical descriptive manner. The discussion integrates legal theories with practical implications, providing a clear and structured portrayal of the findings and offering insights into the complex dynamics of regional government autonomy within the Indonesian republican framework.

Findings and Discussion

Historicity and Constitutionality of Regional Government in Indonesia

Regional government refers to governance at the regional level, constituting the lowest tier of government within a country. It is a political subdivision established by law within a constitutional framework, wielding significant control over regional affairs. This includes the authority to levy taxes or gather regional economic resources for specific objectives. Regional government operates through regional executives and representative councils, as mandated by law, to exercise defined powers within particular domains (Agboola, 2016). In practical terms, those holding authority within regional government are often appointed by the regional head rather than elected through democratic means. As a result, regional government can be described as a governance framework operating within a specific geographic area of a nation or state, utilising a specialised and localised appointment process. It entails a system of regional administration where officials at both regional and municipal levels are organised to enforce laws, provide basic social services, oversee public activities, and promote community involvement in initiatives aimed at improving residents' well-being. This understanding of regional governance is influenced by the directives and decisions made by regional leaders (Odenigwe, 1977). Regional government is primarily

responsible for organizing the regional economy, delivering governmental services at the local and regional levels, and protecting and maintaining the environment.

Local governance has an influence on the daily life of populations throughout fields including education, religion, and welfare (Pahrudin, 2019), Trading, entertainment and cultural trips and community behaviors (Kencana, 2019). Hence, local governments are entrusted with the provision of essential services such as public amenities, law enforcement, housing, emergency services including healthcare and firefighting, transportation, waste management, road infrastructure, sewer systems, and more. As a result, the local government needs to establish a separate legal body from the national government. Ideally, it should be overseen by democratically elected officials vested with specific authority and functions, while also enjoying a degree of autonomy in governance, operational functions, and resource management (Muhaimin et al., 2023). In a republican system, local governments typically operate at the second and third tiers of government. In the context of Indonesia, these entities represent levels of governance distinct from the central or national level. A local government area refers to a specific geographical jurisdiction where a local government or council exercises its authority (Sabara, 2022). The Executive and Regional Government Council comprises individuals responsible for administering local regional government affairs, as stipulated in the Constitution. These bodies play a pivotal role in ensuring effective governance and service delivery at the regional level.

Before Indonesia gained independence, regional governance was heavily influenced by Dutch colonial rule. The colonial administration established a centralized system of control, with local leaders appointed by the Dutch to enforce colonial policies. This period saw limited autonomy for local governments, as the colonial powers prioritised the exploitation of resources and the maintenance of order over local self-governance (Kroeze, 2021). Indigenous structures of authority were often undermined or co-opted, creating a legacy of centralized governance that persisted into the post-colonial era. Following Indonesia's independence in 1945, the nation entered a new phase of governance under the Old Order led by President Sukarno (Carnegie, 2020). This period was characterised by efforts to establish a unitary state that could effectively manage the vast and diverse archipelago (Fakih, 2017). Sukarno's government centralised power to ensure national unity and stability, viewing regional autonomy as a potential threat to the cohesion of the newly independent state (Magenda, 2018). The 1957 Regional Government Law provided a framework for regional administration, but real power remained concentrated in the central government. However, political instability and economic challenges led to significant changes during the New Order under President Suharto, who came to power in 1966 (Tomasson, 1970). Suharto's regime further entrenched centralisation, implementing a top-down approach to governance. Regional governments were tightly controlled, with local officials appointed by and accountable to the central government. The New Order period emphasised national development and security, often at the expense of regional autonomy (Crouch, 2010). The central government exercised significant control over regional resources and decision-making processes, perpetuating a system of centralised authority that stifled local initiatives and marginalised regional voices (Varkkey, 2012).

The Reform period, which began in 1998 following Suharto's resignation, marked a significant shift towards decentralisation (Usman, 2001). The collapse of the New Order regime created a political opening for major reforms aimed at democratising the governance structure and addressing regional grievances (Agustino, 2011). The Reform period sought to dismantle the centralised power structures that had dominated Indonesia's political landscape. Key legislative changes, including the 1999 Regional Autonomy Laws, granted substantial powers to regional and local governments. These laws aimed to empower local authorities by devolving administrative and fiscal responsibilities, thereby promoting greater local participation in governance and improving public service delivery. The Reform period also witnessed a renewed emphasis on accountability and transparency, with efforts to strengthen local institutions and combat corruption (Brodjonegoro & Asanuma, 2000). However, this transition has not been without challenges. The implementation of regional autonomy has varied across the country, with disparities in governance capacity and resource distribution. Some regions have successfully leveraged their newfound autonomy to drive development and innovation, while others have struggled with issues of inefficiency, corruption, and local elite capture (Ramstedt, 2009). Additionally, the central government has occasionally intervened in regional affairs, highlighting ongoing tensions between central authority and regional autonomy.

Regional Government during the Dutch East Indies

The development of regional governance in Indonesia transcends the country's independence and is linked to the colonial earlier times. Throughout Dutch colonial control, regional administrative system was constructed based on the Dutch administrative model, but the central government had significant power. The Dutch administration used a subordinate governance structure, depending on regional governing bodies to oversee regional government. In this system, representatives from the colonial government were nominated in each area, overseeing the administration in collaboration with existing traditional authorities and institutions. In regions lacking traditional rulers or institutions, new leaders were established to align with pro-colonial government agendas. It is worth noting that, prior to colonialism, regional government administration varied across the diverse multi-ethnic landscape, albeit still under centralised power wielded by kings, sultans, and traditional community leaders. The implementation of the Dutch colonial government's indirect governance system aimed to establish a regional government administration framework by leveraging existing traditional institutions and authorities. This approach sought to consolidate colonial control while also incorporating local governance structures into the administrative framework (Agboola, 2016). The use of indigenous political institutions for regional governance depended on the modification of several aspects of customary governance that conflicted with the idea of Dutch East Indies colonial governance.

The Dutch East Indies initially fell under the control of the Dutch East India Company (VOC) (Legge et al., 2025). However, when the VOC declared bankruptcy in 1799, its territories were directly assumed by the Dutch state (Borschberg, 2021). In 1800, these territories officially came under the jurisdiction of the Dutch government, marking the establishment of the Dutch East Indies as a state, with its territory mirroring that of the former VOC-controlled regions (Grataridarga et al., 2022). During World War II, the Japanese army occupied the Dutch East Indies, renaming it the Japanese colony of Indonesia. In 1942, following Japan's victory in the Greater East Asia War, the Japanese army defeated the Dutch East Indies army, leading to the establishment of Indonesia under Japanese rule (Benda, 1956). However, Japan's surrender to Allied forces on August 15, 1945, paved the way for Indonesia's proclamation of independence on August 17, 1945. Thus, Indonesia's independence was seen as a continuation of the Dutch East Indies state under successive colonial rulers: the Netherlands and Japan (Down, 2016).

For over a century (1800-1904), the Dutch East Indies government operated in a centralised manner. It was not until 1904, with the enactment of the Decentralisation Law known as Decentralisatie Wet 1903, that a form of centralization coupled with decentralisation was introduced. This law led to the establishment of autonomous local governments in the regions (*gewest*) and sub-regions (*gemeente* and *plaatstelijke*). However, initially, these autonomous local governments were primarily for Dutch and European communities residing in major cities, with indigenous communities did not grant the same level of autonomy. In line with the national movement's struggle for independence, reforms were introduced in 1925 under the Bestuurhervorming Wet 1922, extending autonomous local government rights to indigenous communities. This marked a significant shift in governance, as indigenous populations were granted greater autonomy within the Dutch East Indies administration (Nurcholis, 2015).

One aspect that can influence the pattern of relations between the central government and regional governments is the organisational structure of regional governments, especially in decentralised unitary states. The authority exercised by the central government in a unitary state is very broad and covers all citizens inside and outside the country. Therefore, delegation of authority in both the context of decentralisation and deconcentration is absolutely necessary. The formation of government units in the regions is, of course, accompanied by other actions, namely determining which government affairs can be handed over and carried out by government units in the regions (Hariyanto, 2020). The Decentralisatie Wet (Provisions on Decentralisation) enacted by the Dutch East Indies government on July 23, 1903, marked a pivotal moment in the governance structure of the colonial administration. Prior to this legislation, the Dutch East Indies operated under a predominantly centralised system of governance, with significant control vested in the hands of the colonial authorities. However, recognising the need for a more nuanced approach to administration, the Decentralisatie Wet introduced elements of both centralisation and decentralisation. At its core, the Decentralisatie Wet aimed to delegate certain administrative powers to local governments, particularly in the regions (*gewest*) and sub-regions (*gemeente* and *plaatstelijke*). This shift towards decentralisation sought to address the diverse needs and

complexities of the archipelago's varied landscapes and communities. By granting autonomy to local governments, the Dutch East Indies government aimed to improve governance efficiency and responsiveness, while also fostering a sense of local ownership and participation in decision-making processes (Penders, 2021).

Initially, the implementation of the Decentralisatie Wet primarily benefited Dutch and European communities residing in major urban centres across the Dutch East Indies. These communities had long advocated for greater autonomy in managing their local affairs, preferring not to be governed by indigenous officials (Hestiliani, 2019). The provisions of the Decentralisatie Wet catered to these demands, granting Dutch and European urban communities a degree of self-governance and control over their household affairs. However, it is important to note that the initial focus on Dutch and European communities did not fully address the needs of the indigenous populations. Indigenous communities were not granted the same level of autonomy under the early implementation of the Decentralisatie Wet. This disparity reflected broader colonial attitudes towards governance and hierarchy, wherein indigenous populations were often marginalised or excluded from decision-making processes (Bedner & Van Huis, 2008). Nevertheless, the enactment of the Decentralisatie Wet laid the groundwork for subsequent reforms that would extend autonomous local government rights to indigenous communities. Over time, as pressures for independence and self-determination grew within the Dutch East Indies, reforms such as the Bestuurhervorming Wet 1922 sought to address these disparities. These reforms represented a significant shift in governance dynamics, granting indigenous populations greater agency and autonomy within the colonial administration (Wahyono, 2009).

It is important to highlight that the concept of autonomous local government in *gewest*, *gemeente*, and *plastelijke* was primarily influenced by European models. This was a result of the demand from Dutch and European-descended urban communities residing in major cities across the Dutch East Indies, including Jakarta, Bogor, Bandung, Semarang, Malang, Surabaya, Medan, and others. These urban communities of Dutch and European descent advocated for the right to self-governance from the Dutch government, as they preferred not to be governed by native officials, such as the regent (Otto, 2015). The demand for autonomy stemmed from the desire of Dutch and European-descended communities to regulate and manage their own local affairs independently. They sought to maintain control over their household affairs and governance structures, reflecting their reluctance to be subject to indigenous rule. Consequently, the Dutch government acceded to their demands, leading to the establishment of autonomous local governments tailored to the preferences of Dutch and European urban communities (Hayden, 1924).

1945 Constitution Article 18: Basic Constitutionality of the Era of Independence

In the formation of constitutional standards, Article 18 of the 1945 Constitution specifies that the partition of Indonesia's areas into major and minor regions, as well as the type of system of government, is determined by law while observing and considering the basis of deliberation in the state government system and the rights of origin in special regions. From a doctrinal standpoint, the distinction between large regions and small regions in the article refers to autonomous regions, which are characterised by local self-government or *local autonom gouvernement*. They are not synonymous with administrative local governments or administrative regions (local state-government or local administrative government), nor are they equivalent to customary law community units (*adat rechtsgemeenschap*). This differentiation is evident from the reference to the "basis of deliberation" which implies the presence of deliberative or representative institutions within the regional government administration.

Autonomous regional governments are distinguished by the existence of deliberative or representative institutions, while administrative local governments lack such structures. As explained by Mr. Soepomo, the rationale behind Article 18 emphasises that Indonesia is an *eenheidsstaat* (unitary state), meaning it does not contain separate states within its borders. Instead, Indonesia's regions are organised into provinces, which are further subdivided into smaller regions. In both autonomous regions (*streek* and *locale rechtsgemeenschappen*), as well as in administrative areas, governance operates according to laws determined by the central government. However, in autonomous regions, deliberative institutions are established, reflecting the principle of governance through deliberation. This underscores the unitary

nature of the Indonesian state, where regional governments are structured with provincial and smaller regional divisions, each governed by representative bodies (Safa'at, 2015).

Article 18 of the 1945 Constitution underwent amendments to become Articles 18, 18A, and 18B. These amendments delineate the structure and categorisation of autonomous regional governments. Articles 18, 18A, and 18B paragraph (1) govern both regular autonomous regional governments and non-regular or asymmetric autonomous regional governments. Regular autonomous regions encompass provincial and district/city autonomous regional governments. These entities operate within the framework of established administrative divisions and exercise autonomous governance over their respective jurisdictions. Non-regular or asymmetric regional governments include special autonomous regional governments and other forms of regional governance that may deviate from the standard structure and possess unique characteristics tailored to specific circumstances or needs within their designated areas. Furthermore, Article 18B paragraph (2) stipulates that the State acknowledges and respects living customary law community units. It is important to note that customary law community units are distinct from village governments, as villages are governed by separate legislation, namely, Law no. 22/1999, and Law no. 32/2004.

Law No.1 of 1945

Law No. 1/1945 established the regional government structure at the commencement of independence. This legislation was formulated in response to the growing societal demands for self-governance, particularly amidst a fervent desire for democratic governance at all levels, spurred by the quest for independence. Law no. 1/1945, proposed by the Central National Committee Working Body, grants authority to the Regional National Committee (KND) to administer decentralised government affairs. Following the enactment of Law no. 1/1945, the Regional People's Representative Body (BPRD) replaced the Regional National Committee (KND) in residencies, cities, districts, and other designated areas as deemed necessary by the Minister of Home Affairs.

Consequently, two distinct government systems operated concurrently within residencies and cities/districts, creating a state of dualism. The first system comprised an autonomous regional government organised by the BPRD, with an executive body led by the KD, alongside a deconcentrated government system overseen by the KD as resident and mayor/regent. This organisational structure mirrored the Dutch-era government system, characterised by the establishment of parallel government structures, namely autonomous regions based on decentralisation and administrative regions based on deconcentration, operating within the same geographical areas. The presence of dualism in government structures within residencies and districts/cities resulted in a struggle for authority and resources, leading to inefficacy in governance.

Law No. 22 of 1948: Elimination of Elements of the Japanese Government

Law no. 22/1948 abolished *zelfbestuur landschappen* (self-government area) and *inlandsche gemeente* (indigenous gemeente). During the Dutch colonial era, these two forms of indirect government, known as indirect bestuurd gebied, were transformed into asymmetric autonomous regions. Consequently, the indigenous governments established by Dutch colonialism, such as villages, *nagari*, clans, and *gampongs*, as well as political entities created by Japanese colonialism, were legally abolished. This transition eliminated the existence of pseudo or fake governments within the Republic of Indonesia's governmental system. It's worth noting that the Netherlands employed a governmental system comprising two models: direct government (direct bestuurd gebied) and indirect government (indirect bestuurd gebied). Under direct government, the state governs directly through civil service officials, including the governor-general, governors, residents, regents, *wedanas*, and subdistrict heads. In contrast, indirect government involves the state ruling indirectly through political agreements with native rulers and the mobilisation and control of indigenous community leaders and their constituents.

Native rulers and their territories were termed *zelfbestuur landschappen* or self-government areas, while indigenous community leaders and their territories were referred to as *inlandsche gemeenten* or indigenous municipalities. Examples of *zelfbestuur landschappen* include the Sultanate of Yogyakarta, *Kasunan* Surakarta, the Sultanate of Deli, and the Sultanate of Goa, while examples of *inlandsche gemeenten* include villages in Java, *nagari* in West Sumatra, clans in South Sumatra, Kuria in North

Sumatra, and Gampong in Aceh. Under Law no. 22/1948, the region consists solely of an autonomous regional apparatus, The Regional People's Representative Council (DPRD) and the Regional Government Council (DPD) serve as the regional executive, and autonomous regional employees. Additionally, there are KDs with dual function status, serving as both central and autonomous regional tools. While appointed by the central government and tasked with representing it in supervising autonomous regional government operations, they also hold the role of chairman of the DPD, collaborating with it to implement regional autonomy.

Reorientation of Regional Government in Law No.1 of 1957

Law 1/1957 is rooted in the construct of a union state government, resulting from a compromise between the federalist faction (supporters of the union state) and the unitarist faction (supporters of the unitary state). This is characterised by four indicators: (1) the establishment of the broadest possible autonomy for former states, despite the fact that broad autonomy is not typical in a unitary state system; (2) the central government does not have officials who carry out daily supervision over the administration of level I, level II, and level III local government; (3) supervision over the implementation of local government is entirely delegated to the KD, which is essentially a local government body since it is elected by the DPRD and/or the relevant regional community; and (4) the central government does not have an organ responsible for implementing public affairs through deconcentration instruments.

Changes in Regional Government Model (Presidential Decree No.6 of 1959)

In Law no. 22/1948 and Law no. 1/1957, the management of regional household affairs is overseen by the Regional Government Council (DPD) and is answerable to the Regional People's Representative Council (DPRD). However, this arrangement changes with Presidential Decree No. 6/1959. Under this decree, regional household affairs are managed by regional offices accountable to the KD, who in turn reports to the president. Consequently, Presidential Decree no. 6/1959 signifies a shift in the paradigm of regional government administration in Indonesia, transitioning from a decentralised model to a centralised one.

Presidential Decree No. 6/1959 defines regional government in Article 1 as follows: the concept of regional government has undergone a transformation over time. Previously, it primarily referred to the local council or *raad*. However, with the issuance of Presidential Decree no. 6/1959, the definition shifted to encompass the regional head and the Regional People's Representative Council (DPRD). Furthermore, there was a significant change with the elimination of collegial regional executive bodies. Presidential Decree No. 6/1959 abolished the DPD and introduced a new institution known as the Daily Government Agency (BPH), tasked with assisting regional heads in the daily administration of government affairs.

Changes in Regional Government Model (UU No.22 of 1999)

This law radically changes the model of regional government. Regional government units no longer use the nomenclature of Level I Regional Province, Level II Regional Regency/Municipality, Administrative City, and District, but will instead adopt the terms Province and Regency/City. The term Administrative City has been removed. Although the nomenclature "sub-district" is still used, it no longer has the status of an administrative government unit. In Law no. 22/1999, districts are referred to solely as district/city regional apparatus. Thus, the external structure of local government is as follows:

- (a) Provinces as autonomous local governments and administrative local governments;
- (b) Regency/city as autonomous local government;
- (c) The Regional Head is elected by the DPRD and is responsible to the DPRD.

Ius Constituendum Regional Government (UU No.32 of 2004)

Under Megawati's government, Law Number 22 of 1999 was revised to become Law Number 32 of 2004 concerning Regional Government. This law, when viewed from philosophical and theoretical aspects, is not much different from the previous law. Several things that differentiate it from Law Number 22 of 1999 are as follows:

- a) Regional leaders are chosen directly in votes;
- b) Regional heads are not responsible to the DPRD but to the president;
- c) The DPRD cannot dismiss a regional head for refusing his accountability;
- d) The governor's role as an ambassador of the government is highlighted;
- e) Government affairs that are mandatory and fall under the authority of regional governments have been determined attributively, both for provincial and district/city governments; only the scope is different. Provinces are within the scope of cross districts/cities, while districts/cities are within the scope of their respective districts/cities;
- f) In autonomous regions, vertically institutions are established to carry out government operations under the jurisdiction of the centralized government (Article 228), and vertical agencies can be formed for other matters (Article 10 paragraph 5 a);
- g) The government carries out repressive supervision of regional policies.

Modernization of Regional Government in the Era of the Autonomous Regime (Law No. 23 of 2014)

Soesilo Bambang Yudhoyono's government replaced Law no. 32/2004 with Law no. 23/2014. Additionally, he issued Law No. 6/2014 regarding Villages. Under Law No. 23/2014, the exterior organization includes two distinct types: initial stages governance grounded in decentralization (local government/autonomous region) and second, government based on deconcentration (administrative local government). Decentralized government encompasses province independent areas and district/city autonomous regions, whereas deconcentrated government includes provincial administrative locations and district/city administrative locales. Thus, in one geographic area, there are two government units:

1. Autonomous local government; and
2. Administrative local government.

This model mirrors the local government structure during the New Order era and the colonial era. During the New Order era, within the geographical area of the province, there were two forms of government: (1) autonomous local government with the Level I Regional nomenclature and (2) administrative local government with the province nomenclature. The main difference from the structure in the New Order era was the elimination of "sub-district" administrative local governments. The distinction from the colonial era was the removal of local residency, district (*kawedanan*) and onder-district (sub-district) governments. In addition to its repressive function regarding the repeal of regional regulations under Law No. 23 of 2014, the government also has a preventative function. This law grants the government greater authority than the previous regional government laws, Law No. 22 of 1999 and Law No. 32 of 2004 (Jaelani & Hayat, 2022).

In the context of executive review, the government exercises two types of supervision: repressive supervision and preventive supervision. Article 251 of Law No. 23 of 2014 addresses repressive supervision, while Article 245 governs preventive supervision in relation to the RPJPD, RPJMD, APBD, APBD amendments, accountability for the implementation of the APBD, regional taxes, regional levies, and spatial planning (Suzor, 2018). This law also opens the door to widespread recognition of the existence of indigenous peoples. However, it should be noted that the application of conditional provisions in recognising and protecting indigenous peoples can involve conquest and coercion. The recognition mechanism employs only an administrative perspective, thereby indirectly perpetuating customary bureaucratisation. Ideally, the existence of the state should function solely as an organising force and not interfere with the material and substantive aspects of customary law (Rahmat et al., 2023).

The lengthy history of the creation of regional government systems in Indonesia has revealed at least a series of elements about the legitimacy that underlie the local governance system, such the ones that follow:

- (a) Dutch East Indies government system in 1800–1904;
- (b) Indonesian government system under Japanese army occupation 1942-1945;
- (c) Muhammad Yamin and Soepomo's draft at the 1945 BPUPKI Session on regional government;
- (d) Article 18 of the 1945 Constitution;
- (e) Regional government according to Law no. 1/1945;
- (f) Regional government according to Law no. 22/1948;
- (g) Regional government according to Law no. 1/1957;
- (h) Regional government according to Law no. 18/1965 in conjunction with Law no. 19/1965;
- (i) Regional government according to Law no. 5/1974;
- (j) Regional government according to Law no. 22/1999;
- (k) Regional government according to Law no. 32/2004;
- (l) Regional government according to Law no. 23/2014 in conjunction with Law no. 6/2014.

Problems of Regional Autonomy in Regional Government Regimes: Federalism and Republicanism

The presence of regional governments in Indonesia is explicitly safeguarded by articles within the 1945 Constitution of the Republic of Indonesia. Regional government is considered a subset of the central government, implying that while the state is responsible for ensuring the existence of regional governments, they do not hold the status of a separate, autonomous third level of government. However, it can be argued that constitutional provisions impact the formation and existence of regional governments by obligating them to exert utmost effort to align with the constitutional mandate, leaving little room for deviation. As such, regional governments are mandated not only to enact laws governing their formation, structure, functions, and finances but also to ensure the presence of democratically elected regional officials. The concept of regional government autonomy, also known as grassroots democracy, entails independent governance at the regional level. This implies that regional governments possess the authority to develop policy directions and implement development plans without external interference. Local autonomy not only meets the historic, ethnic, and linguistic ambitions of the local populations, but it additionally improves local citizens' abilities for engagement in government and processes of decision-making. Regional autonomy improves democracy by giving more chances for political engagement, developing the culture of democracy across the country.

Locally elected leaders, being more attuned to the needs of their constituents, are better equipped to provide public services tailored to the community's requirements within the framework of grassroots democracy. Moreover, the proximity of the administrative structure enables residents to hold local officials directly accountable for their performance, thereby ensuring accountability and transparency in governance. This inclusivity within regional governance allows both majority and minority groups in society to have their voices heard, influencing decision-making processes and ensuring their aspirations are acknowledged. Consequently, regional governments play a pivotal role in promoting inclusive governance and ensuring representation for all segments of society. The existence of regional governments that have real governmental functions can provide responses that are more flexible and tailored to regional needs, thus easing the responsibility of the central government, which has more burdens.

Legally, autonomy encompasses more than the mere existence of governmental apparatus such as legislative bodies and executive bodies. True autonomy necessitates that the government operates as an independent entity, rather than as a subordinate or appendage of another government. In this context, autonomy implies the ability of a government to conduct its affairs according to its own will, without undue influence or direction from external authorities. This means that autonomous governments have the freedom to make decisions and implement policies based on their own priorities and considerations,

without being beholden to directives from higher levels of government. Thus, autonomy entails not only the establishment of governmental structures but also the empowerment of these entities to exercise their authority independently and responsibly (Nwabueze, 1983). Thus a self-governing administration would not be legally compelled to comply with dictate or guidance from different nations, but would have liberty in its operations (Nwabueze, 1993). This perspective underscores the importance of local governments having the authority to make decisions independently within the boundaries established by law. It emphasises the need for governments to have efficient resource management, particularly in terms of finances, to effectively fulfil their responsibilities. Essentially, regional autonomy entails the freedom and independence for local governments to manage and control their territories and legal identities separately from higher levels of government. In discussions surrounding regional government autonomy in Indonesia, the focus often lies on the degree of independence enjoyed by regional governments, free from central government oversight.

Regional government autonomy is characterised by two essential criteria. To begin, regional administrations should have the ability to create complete regional development strategies that incorporate issues relating to the economy, society, and the environment. Secondly, they should possess the autonomy to prioritise their budget expenditures according to their own needs and priorities. However, in practice, this autonomy is often compromised as central or provincial governments, and sometimes both, provide grants and subsidies to local governments. This financial support gives higher levels of government significant influence over local administrations, effectively shaping their development plans and policy directions (Sasaki, 1984).

Hence, regional government autonomy, when viewed from a legal perspective, appears to be merely an illusion. In contrast to the United States, where the regional government system is not established in the Federal Constitution, regional governments which include cities, towns, and municipalities lack autonomous constitutional standing. Instead, the authority to establish local governments lies with the central government. Each region retains the discretion to determine the structure of local governance within its jurisdiction and delineate the powers they may exercise (Squire, 1997).

Consequently, in practice, local government administrations oversee a wide array of functions such as local policing, educational institutions, tourist facilities, healthcare services, transportation, sanitation, and more. These responsibilities are typically delineated in the constitution of each region, which tends to be more detailed and comprehensive compared to the national constitution (UUD), which primarily establishes principles without serving as a technical guide. Furthermore, regional governments are typically elected and determined by the populace through regional democratic mechanisms. As a result, the extent and scope of regional autonomy hinge on the technical specifications outlined in each region's regulatory framework. Regional governments enjoy significant autonomy, particularly in the financial sector, as well as in facilitating direct democratic processes (Cools & Chirtoaca, 2017).

Similar to Switzerland, where the Federal Constitution guarantees autonomy for regional governments within the framework of a federal system, the federal central government is generally prohibited from interfering in the exercise of regional rights by autonomous regional governments. However, the Federal Court, which adjudicates appeals from autonomous regional governments, retains the authority to enforce these rights (Cools & Chirtoaca, 2017). This possibility arises from the Swiss Federal Constitution, which declares the units of the federation, known as cantons, to be sovereign to the extent allowed by the constitution (Bhagwan & Bhushan, 2010). However, both federal and state governments maintain the capacity to exert influence over local governments indirectly, mainly through grant programmes. Financial grants allocated to local councils are frequently linked to particular projects, overseen either by federal agencies or the federal government directly, depending on the situation. As a result, these federal or state agencies may demand that local governments meet specific obligations associated with the grants they receive (Gamkhar & Pickerill, 2012; Squire, 1997).

The quest for regional government autonomy in Indonesia has persisted throughout history. Initially, colonial reforms aimed to democratise regional governance, which ultimately led to a system where regional governments wielded considerable control. However, successive military regimes post-independence attempted to reverse this trend, resulting in regional governments under direct central government control. Proponents of autonomous regional leadership persistently advocate for a separate

local government system, positioning it as a distinct and autonomous entity separate from the central government. This move aims to redefine the division of governmental power and resources, Changing from an integrated system to a multifaceted government structure that includes the centralized government, autonomous counties, and communities, all grounded in principles of equality and proportionality.

Under this proposed framework, regional governments would directly engage with the central government, with democracy being not only enshrined in the constitution but also manifested in the central government's scope of functions distinct from regional government. Under principle, regional government activities would run freely, with minimum intervention from the centralized government, except under instances such as national development programs of significant significance as well as catastrophes that may paralyze government operations. This devolution of power to regional governments aims to foster direct relationships between regional and central governments, founded on principles of autonomy and justice among various levels of governance. Consequently, regional governments would no longer be mere creations or extensions of the central government, and any state intervention in regional affairs would be deemed unconstitutional.

Despite persistent calls for constitutional reforms to ensure regional government autonomy, significant progress has yet to materialise. As a result, both the 1945 Constitution and current laws and regulations position regional governments as entities tasked with managing residual central government affairs, thereby limiting their autonomy and subjecting them to central legislative and executive authority. This constitutional stance, rooted in the 1945 Constitution, aligns closely with the principles of federalism, wherein regional government autonomy is regulated by the central government, including its power and oversight over regional affairs. Thus, in the context of federalism, while regional autonomy is guaranteed, regional governments must operate under central government control. The struggle to elevate regional governments to autonomous entities under direct central government funding and control could be seen as blurring the distinction between local and national affairs in Indonesia.

The rationale behind the division of powers under the central government lies in the understanding that while the state government focuses on national affairs, regional matters should be overseen by regional governments. Consequently, the involvement of the central government in regional governance runs counter to the principles of federalism. In the federalist framework, autonomy signifies freedom from any form of central government interference. Regions, or local governments within the context of autonomous federalism, are acknowledged as political entities with inherent sovereignty, predating the establishment of the federation. This acknowledgment grants them exclusive executive, legislative, and judicial authority distinct from other local governments. Autonomy in federalism also rejects the hierarchical relationship observed in the implementation of regional autonomy, emphasising the equal and parallel status of local governments at the state level and those at lower levels, such as municipalities, townships, and counties. As a result, in the implementation of autonomy policies within federalism, instances of public dissatisfaction with central policies are rare. The community perceives that the autonomy granted by the federal government addresses various community needs as citizens. The symmetrical relationship between the central government and the regions ensures that the advocacy and bargaining positions of the regions are balanced with those of the centre.

Federalism emerges as a consensus among diverse autonomous regions that pledge themselves to form a unified union. Thus, the principle of autonomy within federalism is comprehensive and expansive, portraying local government as a country within a country, with federalism serving as a safeguard for local governments. However, the concept of autonomy within federalism is subject to various regulations set by the federal government to delineate the authority of both the federal government and local governments, enabling full and responsible implementation.

In discussing the concept of regional autonomy within a unitary state, it is essential to consider the "maturation of the concept of federalism" (federal arrangement). Maturation, in this context, refers to the adoption of federalism principles in the form of regional autonomy within a unitary state. In reality, the unitary state does not inherently recognise the concept of autonomy, as all power is centralised in the central government, rendering regions subordinate to it (Asshiddiqie, 2001).

Constitutional Limitations on Regional Government Autonomy in Indonesia

Multiple constitutional sections make it readily apparent that the authors of the law weren't trying to build an independent local governance structure completely free of influence or involvement beyond the national government level. The goal of granting areas such wide autonomy is to hasten the development of social welfare through enhanced facilities, autonomy, and involvement in the community (Fauzi, 2019). Granting regions the broadest autonomy possible is executed in alignment with the principle of maintaining a unitary state (Kusriyah, 2016). In a unitary state, all sovereignty is centralised within the national government, with no sovereignty vested in the regions (Farih, 2019). Hence, any level of autonomy bestowed upon the regions (Pattipawae, 2019), ultimately, the Central Government retains final responsibility for the administration of Regional Government (Putra et al., 2020). In a unitary state, the Regional Government and the National Government are considered one body (Abdullah, 2016). A region, as an autonomous legal entity, possesses the authority to govern and oversee its territory in accordance with its own goals and the interests of its community, provided such actions do not contradict the national legal framework and public interests (Maleke, 2019).

The development of Indonesia's local government system reveals a trend towards overpopulation of autonomous and administrative areas via the adoption of the concepts of decentralized and deconcentration (Sutrisno, 2015). According to Bhenyamin Hoessein, the execution of decentralisation achieves local government autonomy by constructing autonomous regions, while deconcentration generates area administration (straight agencies) and/or regional state governance (Nurcholis, 2005). The concept of decentralisation revolves around providing regions with extensive autonomy, enabling them to oversee and govern all governmental matters except those explicitly designated as the central government's responsibility. Regions are empowered to develop regional policies aimed at delivering services, enhancing participation, fostering initiative, and empowering communities, all with the goal of enhancing the welfare of the populace (Pitono, 2012).

The desired changes in governance reform are evident in the shifts observed in various regional government models and paradigms. The previous emphasis on the structural efficiency model, focusing on efficiency and uniformity in local government, has been replaced by the local democracy model. This new model underscores the importance of democracy and diversity in regional government administration. Alongside this shift, there has been a transition from prioritising deconcentration to prioritising decentralisation (Mukhlis, 2024).

Furthermore, the transformation of the Sub-district from a Regional Apparatus to a Regency or City Regional Apparatus will bolster the implementation of broad autonomy within the Regency or City Region. This shift allows the Sub-district's working area, now as a Regional Apparatus, to serve as a platform for accommodating the growing aspirations of the community. Ultimately, the effective implementation of broad autonomy within the Regency or City area is expected to enhance the well-being of the people residing in those regions.

Complete Decentralization: Ideas and Models of Regional Government

Conceptually, decentralisation in the implementation of regional government in Indonesia, as stipulated in Article 1 point (8) of Law Number 23 of 2014, is defined as the transfer of government affairs from the central government to autonomous regions based on the principle of autonomy. Government affairs, as outlined in Article 1 number (5) of the same law, refer to governmental powers that are the prerogative of the President and are executed by state ministries and regional government administrators with the aim of protecting, serving, empowering, and advancing the community (Aritonang, 2018). Rondinell more clearly describes why decentralisation needs to be chosen in the administration of government and development. Decentralisation will increase effectiveness in making national policies by delegating greater responsibility to local-level officials for designing development projects to suit local needs and conditions (Widodo, 2003).

Decentralisation holds the promise of empowering local officials to address longstanding issues, such as the bureaucratic hurdles often encountered in the planning and execution of development projects in many developing nations. These hurdles often stem from an excessive concentration of power, authority, and resources at the central level. By decentralising development functions to local officials and staff at lower

administrative levels, they gain a deeper understanding and sensitivity to local challenges and needs, as they operate at the frontline where these issues are most acute and visible. Moreover, decentralisation fosters closer interaction between residents and officials, enabling better access to the information necessary for formulating development plans compared to relying solely on centralised decision-making. This proximity enhances residents' involvement in and support for national development policies, which may otherwise be unfamiliar to them. Additionally, decentralisation can alleviate the burden on the central government by delegating routine and manual tasks to field staff or leaders at lower administrative levels, thereby enhancing overall efficiency.

The vertical division of power, rooted in the principle of decentralisation, establishes autonomous regional governments and forms the foundation for the relationship between central and regional authorities. Regional governments are entrusted with administering government affairs within their jurisdiction, except for those that fall under the purview of the central government (Abriyanto, 2020). When handling such affairs, regional governments exercise extensive autonomy to regulate and manage governance based on principles of self-governance and mutual assistance. In the context of granting governmental authority, three main pillars guide the process, as outlined in constitutional and administrative law literature: firstly, adherence to the principles of state law ensures that the exercise of authority aligns with legal norms and regulations; secondly, democratic principles underscore the importance of accountability and representation, ensuring that authority is exercised in the interest of the people; And finally, the instrumental principle emphasises the efficiency and effectiveness of governance, aiming to achieve desired outcomes and serve public interests (Aridhayandi, 2018).

The concept of decentralisation, as articulated in Law Number 23 of 2014, revolves around the transfer of government affairs. This contrasts with Law Number 32 of 2004, where decentralisation is defined as the delegation of authority. In Law Number 32 of 2004, specifically in Article 1 point (7), Decentralisation is defined as the central government relinquishing governmental authority to regions of autonomy for governing and administration of government matters within the context of the unified state of the Republic of Indonesia (Lekipiouw, 2020). The adoption of decentralisation entails the division of administration among the centralized government and the regional administrations. These affairs encompass those solely within the purview of the central government, as well as those managed jointly across various levels and structures of government. However, in Law Number 23 of 2014, the model for dividing government affairs has shifted away from the traditional *ultra vires* doctrine, deviating from the German system, and consequently impacting the implementation of decentralisation policies. This deviation raises concerns about the legal-political landscape of regional autonomy outlined in Law Number 23 of 2014, which appears to be steering towards a more centralised system. This development prompts questions about the alignment of the law with the constitutional mandate outlined in Article 18 of the 1945 Constitution of the Republic of Indonesia, which advocates for regional autonomy based on the broadest possible principles in the administration of regional government (Lekipiouw, 2020).

The pattern of governing government affairs with a decentralised character fundamentally hinges on the division of power and authority, as well as who holds the authority to manage and regulate these affairs. Moreover, it pertains to the delegation of authority to regional governments and the extent to which authority is transferred to regions for managing and regulating government implementation within their territories. Essentially, the regulatory framework for government affairs in the concept of decentralisation is shaped by the relationship between the central government and regions, which is not uniformly interpreted but can vary asymmetrically based on regional characteristics and potential within the framework of the Republic of Indonesia, as outlined in the 1945 Constitution.

Hence, the concept of Complete Decentralisation should be introduced as an initial step in endeavours to refine and reinforce the significance of regional autonomy. Disparities in paradigms—both in theory, in history, and systemically—make up part of the topic and purpose of the limited implementation of regional independence in each autonomous territory. Absolute decentralisation offers a concept and type of local government that is not trying to eliminate the part of centralization built into the central authority. However, it tries to safeguard and warrant, in certain and restricted capacities by the centralized government, the total power of the local governments.

The concept of total decentralization serves as an endeavor to actualize distinct localized political and social issues and desires for local governance without centralized government intrusion. This paradigm also allows for the establishment of local forms of administration based on conventions or customary governance. Therefore, it gives every area the ability to administer and manage its own affairs independently, partially, and proportionally, allowing for the fulfillment of the notion of the broadest attainable self-reliance mandated in the 1945 Constitution, as well as preserving the unitary system in the republican form of government.

Conclusion

This study has highlighted the critical role of regional government autonomy within Indonesia's unitary system, emphasizing the challenges and opportunities presented by decentralization. While the Indonesian Constitution provides a framework for regional autonomy, practical implementation often sees substantial central government control, which can limit the effectiveness of local governance. The research underscores that regional autonomy serves as a mechanism for improving governance efficiency, fostering local participation, and ensuring that decision-making aligns with regional needs. However, challenges such as central government intervention, financial dependency, and disparities in governance capacity among regions continue to hinder true autonomy. To address these issues, it is imperative to establish clearer delineation of power between central and regional governments. Strengthening legal frameworks to minimize central intervention and fostering regional governments' administrative and financial capabilities would contribute to more effective governance. Additionally, greater accountability and transparency mechanisms should be implemented to ensure that decentralization does not lead to governance inefficiencies or local elite dominance. Ultimately, this study calls for a more robust and adaptive regional governance model that balances autonomy with national cohesion. By refining decentralization policies and ensuring consistent implementation, Indonesia can better achieve its goal of empowering regional governments while maintaining overall stability and development. Further research should explore the long-term impacts of decentralization reforms and potential models that could enhance regional autonomy while aligning with the constitutional framework of a unitary state.

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