

The Analysis of Regional Autonomy Implementation in Indonesia: Based on the Ruling Government Paradigm

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Abstract: This study aims to understand the development of regional autonomy in Indonesia through a historical context. The research begins by tracing the evolution of regional autonomy laws since the Old Order, New Order, and Reformation eras which caused casualties. For more than 50 years, Indonesia has changed from a centralized system of government to a decentralized one. The government uses the concept of regional autonomy because the area is large and the population is large and requires an administrative structure appropriate to the region. This study uses a qualitative methodology by collecting primary data from national libraries, historical museums, university research, and scientific journals. The findings of this study illustrate that the large area and population require an administrative structure that is by the local government. The decentralization system has become the preferred choice for various provinces. Decentralization refers to the establishment of autonomous regions and the delegation of legal authority. This delegation must be clear because, based on history, rebellions in several provinces were due to *beleid* (provinces' distrust of the central government). The desired delegation from the Central Government to regional governments is in the context of managing independent regional government affairs. Regional autonomy is closely related to progress in regional development and promotes national stability and unity. Nevertheless, in reality, national stability is often tested by the existence of a leader's will that is contrary to the law, which often results in conflict. An interesting finding is that since the proclamation of independence until the reform era - the decentralization system has always followed the conditions and desires of the government regime. The decentralization referred to is not pure but implies the existence of a hidden centralized system.

Keywords: Regional Autonomy, Decentralization, Democracy, Law, Local Government

1. Introduction

Indonesia is a unitary state in addition to being a state ruled by law. Indonesia is a unitary state of numerous distinct geographic areas [18]. These regions are all within the boundaries of the territorial integrity of The Unitary State of the Indonesian Republic (NKRI). As the State of Law, the Indonesian government always operates according to the various legal provisions [15]. Consequently, the Government of the Republic of Indonesia consistently separates itself into a central administration and numerous regional

administrations. The formation of local government in the Republic of Indonesia is regulated by law. This includes the form and structure of government [32]. The fact that power is distributed in a country based on function, authority, and position indicates that the country adheres to the fundamentals of democracy [41].

Furthermore, the rule of law is a logical companion to the democratic principles that a country has adopted. The political system of Indonesia needs to be able to accommodate and unite the various regions that make up the NKRI because the Indonesian territory is spread out over several archipelagos [20]. Indonesia, which is vast with a

large area and population, must implement a special strategy for managing state affairs. Decentralization is a generally accepted concept in the functioning of government administration. Considering the size and population of Indonesia, the country could be governed centrally by the management of the government [17].

The question of whether a country should have a centralized or decentralized form of government administration must be connected to the issue of economic development [38]. The decentralization process in Indonesia has gone through its fair share of ups and downs throughout the nation's history, and so have the shifts in political alignment that have been an unavoidable part of the country's development. Decentralization has been incorporated into the constitutional mechanism of Indonesia [43]. Before the amendment, Article 18 of the 1945 Constitution explained that the State of Indonesia consisted of large and small regions [16]. Alternatively, it is defined as the division of government power in the regions as territorial decentralization [13]. As a result, there are two fundamental values, which are the value of territorial decentralization and the value of Unitarianism. The Unitarian value implies that Indonesia will not have any other government units that are stated in nature. This suggests that the sovereignty inherent in Indonesia's people, nation, and State will not be divided into different government units in the future [58].

Decentralization means granting the right to regulate and manage the interests and aspirations of the local community. For decentralization to become a tool for achieving the goals of the State, it is necessary to form a regional government, integrity, and national unity within the Unitary State of the Republic of Indonesia. Decentralization in the Unitary State of the Republic of Indonesia means granting the right to govern and manage the interests and aspirations of the local community in order [42].

The unification of large areas and a large population spread throughout the region is made possible by decentralization. Also, it enables the achievement of the rights, interests, and aspirations of the people in various regions. Decentralization allows for the unification of the Republic of Indonesia. Because of this, decentralization in the Indonesian government system is essential because the central government must deal with a diverse array of cultures, religions, and customs in addition to a vast geographical area [52]. Decentralization is significant because it enables complex, heterogeneous, and regionally specific issues to be addressed appropriately.

This study focuses on the historical sequence of policy formulations and stipulations related to regional autonomy that existed in Indonesia from independence until the beginning of the Reform Era. The preceding description serves as a reference for this study. As a result, this study aims to investigate the history of regional autonomy in Indonesia from the time of the country's independence until the beginning of the Reform Era. Genealogy refers to; a) the line in a blood family relationship, and b) the development of animals (plants, languages, and others) from earlier forms. It

is anticipated that the findings of this study will provide a historical overview of the policies relating to regional autonomy that have been implemented in Indonesia.

2. Literature Review

Decentralization can be traced back to Latin, and these words mean detaching from the Center. Decentralization describes a government system as 1) the transfer of some authority to subordinates and 2) a government system that gives more power to local governments (or the Center to regions and others). In addition, Article 1 Paragraph 8 of Law Number 23 of 2014 states that decentralization is the transfer of government authority from the central government to autonomous regions based on autonomy. This definition was included in the law [37]. Decentralization in state administration is defined as the delegation of government power from the Center to regions that run their interests [49]. This occurs when the Center gives up some control over the regions (autonomous regions). Administrative decentralization can be broken down into two categories: a) territorial decentralization, which refers to the delegation of power to govern and manage their region, and b) functional decentralization, which refers to the delegation of power to govern and manage one or more specific interests. Both of these categories fall under the umbrella term decentralization.

Decentralization consists of two primary aspects: the establishment of autonomous regions and the delegation of legal authority to regional governments by the central government for those governments to govern, manage and be responsible for certain aspects of government business [31]. The Indonesian government system gradually became more decentralized throughout the Republic of Indonesia's history, which followed a period during which it was governed. Since the beginning of the independence era, the spirit of decentralization has been articulated in diplomatic terms. However, its roots can be traced back to the insightful ideas of the founding fathers [29].

The founding fathers responsible for establishing the Constitution were keenly aware of the right to decentralization as a particular constitutional right for the regions. This right eventually gained acceptance on a national scale as a fundamental right. Article 18 of the Constitution from 1945, which was written before it was amended to read as it does today, guarantees citizens the constitutional right to decentralize government [16]. The division of Indonesia's territory into large and small regional areas and the structure of the government are determined by law, namely by taking into account the principle of deliberation. This article applies as explained in the state government system and traditional rights in special regional areas [2].

In addition, before the beginning of the Era of Reform, decentralization was one of the primary concerns of the structure of the Indonesian government [51]. The People's Consultative Assembly (MPR) emphasized the significance of the decentralization program during the Annual Session in August of 2000. This was reflected in the MPR Decree

Number IV of 2000 concerning Policy Recommendations for implementing Regional Autonomy. The MPR Decree clearly states the importance of decentralization for a more democratic, fairer, and more equitable society. The Constitution and the MPR Decree demonstrate the decentralization of regional divisions and the adoption of regional autonomy for a more democratic, fairer, and equal society. Decentralization in Indonesia can be divided into three distinct aspects. The division is carried out concerning the Law on Regional Government which is the basis for the implementation of regional autonomy [36]:

- a. Delegating authority to the regions to manage their regional finances and adjusting local potential and management is what is meant by financial decentralization. This delegation of authority takes place from the centre outward to the regions.
- b. Government decentralization is the delegation of authority from the centre to the regions for them to govern and manage their interests through entities formed by regional interests and based on the division of authority.
- c. Cultural decentralization is the delegation of authority to regions to organize the culture and religion adopted by the community, such as regulating their religious education, the arts, and others.

The concrete and responsible autonomy that serves as the foundation for implementing decentralization in Indonesia is intended to actualize a new government design within the framework of the Unitary State of the Republic of Indonesia. This is the goal of the decentralization process in Indonesia. Decentralization or autonomy is frequently regarded as a transfer of authority from the central government to regional governments and regional authorities [45]. This transfer of authority is known as regional autonomy, allowing regional governments and authorities to govern and manage their interests in a manner consistent with local aspirations. The authority or right of a region to manage local government following the Laws, customs, and manners of the region's way of doing things [3].

In Indonesia, regional autonomy is being established by transferring autonomy rights to regions to foster a positive environment for the growth of democratization at the grassroots level. Because of regional autonomy, regions have been challenged to become more effective and efficient in delivering public services, and local leaders will be more attuned to the actual circumstances of their constituents. This circumstance can boost public participation in regional development, which would then contribute to the advancement of national development [40]. Nevertheless, is it possible to implement regional autonomy in addition to that? In what ways do the policies governing regional autonomy effectively and efficiently get put into place? It is essential to give some of these concerns serious thought, notably since numerous regional government or regional autonomy policies are continuously being revised in reaction to shifting political and governmental conditions.

3. Method

The methodology of qualitative research was used for this study. The use of a qualitative approach is what is done to investigate and comprehend the meaning that is ascribed to social or human problems. This approach is highly inductive, focusing on the personal meaning and how that meaning is translated through the complexity of a problem. From Indonesia's independence until the Reform Era, researchers used a qualitative method to investigate and better understand the country's historical journey and relationship of regional autonomy. This descriptive study aims to provide an overview by utilizing words and numbers, as well as present profiles (problems), type classifications, or outlines of research stages, as well as documenting causal processes or mechanisms, and reporting the background or context of the situation on new issues [26]. This descriptive research is used to describe in words or numbers the profile, classification of types, or an outline of regional autonomy in Indonesia. This research can also be used to describe in numbers how regional autonomy in Indonesia is structured. The data collection method utilized was library research, which involved studying libraries or literature. Research in libraries is a method of gathering information that entails perusing books, other written works, notes, and reports connected to the issue [23]. This study investigated various data sources, including books and journal articles, concerning Indonesia's concept of regional autonomy.

4. Discussion

According to the research findings, the policies, regulations, and laws in Indonesia that are associated with regional autonomy have been subject to several revisions throughout Indonesia's political history. The 4th amendment to the Constitution of 1945 became a significant steppingstone in redesigning the government system [16]. This refers to the principle of a fair distribution of power between the central government and regional governments, equitable distribution of the use of regional resources and wealth, and a more recognized Local Government [44].

Several policies and laws that form the legal basis for the implementation of regional autonomy in Indonesia from independence to the Reform Era can be briefly mentioned as follows: a) Article 18 of the 1945 Constitution, which states that the State recognizes diversity even though Indonesia is a Unitary State (the basis of formal legality), and which was further affirmed in the 4th amendment to the 1945 Constitution Article 18 Paragraphs b) Article 18 of the 1945 Constitution, which states that the State recognizes diversity even though Indonesia is a Unitary (A) and (B), b) Law Number 1 of 1945, c) Law Number 22 of 1948, d) Law Number 1 of 1957, e) Law Number 6 of 1959, f) Law Number 18 of 1965, g) Law Number 5 of 1974, h) Law Number 22 of 1999, i) Law Number 32 of 2004 jo. Law 12 of 2008 was amended by Law Number 23 of 2014. These laws are elaborated, referring to the Old Order, New Order,

and Reform Era.

4.1. The Old Order (1945-1966)

The term the Old Order will be used to refer to the period during which President Soekarno was in power, from 1945 until 1966 [28]. In the early days of Indonesia's independence, several laws were enacted, even though this was a turbulent time for freedom. Many laws were passed and put into effect during the period covered by the Constitution of 1945. The Federal Constitution of the United States of Indonesia (RIS) and the Provisional Constitution of 1950. These three constitutions were all in place at the same time [2].

Legislation and regulations governing regional governance were enacted when the Constitution was in effect [50]. Local Government Law Number 1 of 1957 was enacted during the Provisional Constitution of 1950, while Regional Government Law Number 44 of 1950 was enacted during the RIS Constitution for the State of East Indonesia in 1950 [39]. Both laws can be found in the Provisional Constitution of 1950. During this time, Law Number 22 of 1948 regarding the Local Government continued to be in effect for the Republic of Indonesia.

In the early days of independence, some policies promoted decentralization or autonomy. This is evidenced by several laws that have been in effect creating laws on Regional Governments that prioritize decentralization or autonomy. These laws have been in effect since the early days of independence. The philosophical roots of the decentralization policy of regional autonomy in Indonesia can be traced back to Article 1 of the 1945 Constitution. This article can be interpreted to mean that Indonesia is a Unitary State that has put forward aspects of decentralization as a national agreement since the early days of independence. This condition can be done by tracing the philosophical roots of the decentralization policy of regional autonomy in Indonesia to Article 1 [10]. In addition, Article 18 of the Constitution of 1945 states that the Unitary State of the Republic of Indonesia is an *eenheidstaat*, which translates to one country. As a consequence of this provision, Indonesia will not have any locations within its environment that are *staat*, which means they are comparable to the State.

Article 18 of the 1945 Constitution, prior to the amendment to Paragraph (2), divided the three levels of regions in the regional administration composition. Article 18 Paragraph (5) stipulates the formation of special regions to enable regions that had their power (kingdom) before the establishment of the Republic of Indonesia. This region has the right to make decisions in implementing decentralization and regional autonomy, which has been ambiguous from the start [46]. This is especially true when reading Article 18 of the 1945 Constitution before the amendments in Paragraph (2), where the formation of three regional levels in.

During the early years of independence, the fundamental concept of decentralization, as well as regional autonomy, was successfully put into practice [54]. Within the framework of the Unitary State that is the Republic of Indonesia, several articles of the Constitution from 1945 included provisions for

decentralization and recognition of the autonomy of individual regions. Following the law that was in effect during the time of the Old Order, the following section expands on the discussion of policies or laws on local governments. The discussion of each law on regional government will be interrelated based on the context of the law's establishment. However, after deliberating the law, there is a need for continuity with the regional government law. In the early days of independence, the principle of decentralization and the autonomy of regional governments was put into practice. The Constitution of 1945 included several articles that recognized a region's autonomy within the Unitary State of the Republic of Indonesia or decentralized government authority within the country. The following section expands on the discussion of policies or laws on local government, and it does so follow the law that was in effect during the time of the Old Order.

4.2. Law Number 1 of 1945

Several laws governed the local government back in the early days of independence or during the time of the Old Order. Laws governing regional government were issued in the early days of independence [19]. One of these laws was Law Number 1 of 1945, which concerned the regulations regarding Regional National Committees (KND), consisting of only six articles. Fourianalistyawati cites this law as having been issued in the early days of independence [21]. On November 23, 1945, it was officially put into effect. When this law was enacted, the autonomy granted to regions was referred to as Indonesian autonomy [42]. This autonomy is based on the people's sovereignty, so the current autonomy is considered more comprehensive than in the Dutch era [8].

The centralist interpretation of Law Number 1 of 1945 is taken as given [46]. The central government recognizes that to exercise direct control over the regions, where the regional government always seeks to claim the rights and authority to regulate its interests, it currently influences the ups and downs of the journey towards regional autonomy in post-independence Indonesia. These fluctuations were coloured because the central government desired direct control over the regions while the local government attempted to claim these rights and authority. The central government and the regions have been experiencing relationship instability due to four amendments to the law governing regional governments. Since it was superseded by Law Number 22 of 1948, this law remained in effect for three years.

4.3. Law Number 22 of 1948

This law was promulgated during the Old Order and dealt with matters on regional autonomy. Succeeded Law Number 1 of 1945 was the primary governing statute in this area. Along with changing times, it is always marked by the birth of new legislative products, which replace old products. This has been true throughout the entire journey of regional autonomy in Indonesia. This shift could be interpreted as a sign of the dynamics at play in the direction that Indonesia's

regional development is headed from time to time. However, it could also be seen as the rulers engaging in political experimentation as part of their use of power [47]. The emergence of a law can result in the creation of a new rule that is put into effect, but more often than not, the emergence of a law results in a modification to existing law.

Based on the Constitution from 1945, Law Number 22 of 1948 concerning Local Government Autonomy Rights was stipulated. The passing of Law Number 22 of 1948 was done to lay the groundwork for the establishment of a democratic regional government in tandem with the establishment of a systematized regional government. In order to fulfill the people's expectations for a democratic and collegial government based on popular sovereignty, this law is being enacted to meet those expectations [24]. The provisions of Law Number 22 of 1948 have attracted the government's attention, which has shown interest in delegating certain responsibilities of the Central Government to the various regions. The transfer of autonomy to regions based on the Law on Establishment has been further specified in its arrangements by government rules regulating the transfer of specific government affairs to the regions. These rules have been implemented to ensure that the transfer of autonomy goes smoothly [55].

Article 23 of Law Number 22 of 1948 also regulates the autonomy system. This article includes the following provisions: 1) The Regional Representative Council (DPRD) governs and manages its affairs; 2) The subjects covered by affairs and interests are specified in the formation law for each region. The regional government's authority to control matters within the regional government itself and the division of responsibilities that fall under its purview are discussed in this article in detail. The passage of this law has increased the pressure on decentralization powers and is under review by local governments. The predicament arose during formulating and putting into effect Law Number 22 of 1948. The predicament revolves around which regional autonomy and expansion model should be used. This is a sociopolitical debate for a nation shifting from a unitary state to a federation.

As a direct consequence, the paradigm of regional autonomy emerges on two levels, namely, the unitary State and the federation state. While the Republic of Indonesia has its own State Law in Law Number 22 of 1948, the RIS has its own State Law in the form of STT (*staatsblad*) 44/1950. Both laws govern regional governments. The dual nature of the Regional Government Law has resulted in the dual nature of relations between Indonesia's Central Government and its regions [53].

Under Law 22 of 1948, the Republic of Indonesia had influence only in Java, Madura, and a small part of Sumatra. However, under STT 44/1950, the RIS had great authority in Eastern Indonesia. As a result of this dualism, the authority of the Unitary State of the Republic of Indonesia has weakened. This condition was exploited by the separatist movement to liberate regions from the Republic. For example, Pemerintah Revolusioner Republik Indonesia (Revolutionary

Government of the Republic of Indonesia) and *Perjuangan Rakyat Semesta* (The Struggle of the People of the Universe) rebellions in West Sumatra [25], the *Darul Islam* (Islamic State) rebellion and the Indonesian Islamic Army (TNI Islam) in West Java [35], and *Partai Komunis Indonesia* (Indonesian Communist Party) rebellion in Madiun [35]. It all started because of the unstable state government situation. In its current development, the ideology of *Pancasila* is a state ideology. Its authority has decreased along with the development of liberalism. This condition is observed from the unequal distribution of economic resources between the Center and the Regions.

Law Number 22 of 1948 is excessively authoritarian since it contains two intervention mechanisms that the government carries out. These mechanisms are known as preventative and repressive supervision, permitting the State to intervene. *Stablad* (STT) 44/1950, on the other hand, is inapplicable in Indonesia, which is still plagued by vertical inter-ethnic conflicts as a national problem and has yet to discover an adequate problem-solving formulation to address it. In other words, Indonesia needs help to implement it.

4.4. Law Number 1 of 1957

Law Number 1 of 1957 was issued when Indonesia was based on the Provisional Constitution of 1950. This law addressed the essential components of local government. The autonomous system chosen to be implemented and real autonomy can be found in Article 31. According to Laaser & Bolto, real autonomy results from combining formal and material autonomy [33]. Formal autonomy concerns are not subject to any positive constraints. The only restriction is that the autonomous area cannot regulate anything already governed by regulation at a higher level mandated by statute [59]. Material autonomy, which refers to the authority of the autonomous region, is positively limited by specifying what is entitled to be governed and managed in a limited and specific way [11].

Formal autonomy and material autonomy can be understood together to form what is known as Real Autonomy, which was applied in Law Number 1 of 1957. In this situation, the government has autonomy over the affairs of the regional government, and the regional government's authority is restricted to specific choices regarding what the regional government has the right to regulate and supervise. In other words, the regional government needs to have complete control over the affairs of the regional government. In addition, local governments with Real Autonomy are not allowed to influence what has been decided or codified. Succeeded level. Following the territorial division outlined in this law, the provisions of the rules governing higher legislation can be known. The regions were free to make their own decisions until 1957, when Law Number 1 was passed. On the other hand, local governance had a very centralized flavour before the issuance of the Presidential Decree on July 5, 1959.

Presidential Decree Number 6 of 1959

The 1945 Constitution was reenacted and the 1950 Provisional Constitution was rendered null and void due to a

Presidential Decree issued on July 5, 1959. This decree was the catalyst for the change in Indonesia's governmental structure in 1959 [34]. This amendment resulted in modifications to other provisions of the Constitution, including regulations governing regional governments. Although Presidential Decree Number 6 of 1959 was revised to become Law Number 1 of 1957, the law mandates that each level of government be subject to its own distinct Law [9]. Article 18 of the Constitution of 1945 served as the basis for enacting Law Number 18 of 1965 Concerning Regional Government and Law Number 19 of 1965 Concerning Village Administration. These laws had a direct impact on the legal system.

4.5. Law Number 18 of 1965

Following Law Number 22 of 1948, other regional government laws were enacted, including Law Number 1 of 1957 the first single rule that applied universally across Indonesia and Law Number 18 of 1965 which adheres to a system of autonomy that is as wide as possible. The strengthening of the Central Government's paradigm of regional centralization within the framework of regional autonomy is evidenced by the adoption of Law Number 18 of 1965 as a replacement for Law Number 1 of 1957. Following the enactment of the Presidential Decree of July 5, 1959, which established the Guided Democracy, the country's sociopolitical situation deteriorated, prompting the government to pass Law Number 18 of 1965 to respond to the situation. The Center is gradually taking over management of the Regional Government, including executive agency regional head recruitment and legislative body DPRD [43].

Changes in local government were carried out after the 1959 Presidential Decree, which meant a return to the 1945 Constitution. The return to the Constitution of 1945 was the subject of the 1959 Presidential Decree. After that, in order to confer independence upon the provinces, it was supplanted once more by Law Number 18 of 1965 [43]. Concerning regional autonomy, this law, like Law Number 1 of 1957, conforms to a framework that allows handing over specific central issues that Government Regulations govern. This framework was established by Law Number 2 of 1957.

4.6. New Order (1966-1998)

The period that President Soeharto served as head of the Indonesian government (1966–1998) is referred to as the New Order [14]. The Constitution of 1945 was implemented entirely during the New Order, including the regional autonomy required to adhere to the principles outlined in the 1945 Constitution. Because of this, the MPRS mandated that the MPRS Decree No. XXI/MPRS/1966 describes the transfer of the most autonomy possible to the regions. Local-level government is required to carry out efficiency and effectiveness in administering government. Local government is an area that is divided into large and small government units, based on the chronology of constitutional

history with an autonomous system as well. This is because Indonesia is divided into large and small government units. On July 23, 1974, the Basic Provisions of Local Government Act, also known as Law Number 5 of 1974, was enacted in response to the many legal challenges brought against local governments [30]. The implementation of Law Number 5 of 1974, which regulates the Basic Provisions of Local Government, is a substantial and responsible autonomy. This law was passed in 1974. It is concrete because transferring autonomy to a region must be based on factors, assessments, and actions that ensure the region can look after its affairs.

The reason for the shift from widest possible autonomy to the principle of responsible autonomy is that it can lead to a tendency of thinking that endangers the integrity of the State. Also, it is not in line with the State Policy Guidelines (GBHN). During the New Order era, the regulation governing regional autonomy was Law Number 5 of 1974, which regulated the Main Provisions of Regional Government. This law is the first one that regulates deconcentration, decentralization, and common co-administration principles. In contrast, the previous law only regulated the principles of decentralization and co-administration. Currently, the provisions of regional autonomy have undergone significant changes and are considered capable of realizing regional stability. Therefore, this law gives the executive power a prominent role as the sole regional authority.

The regions are organized into five levels: province, regency, administrative city, district, and village. There are first-level regions and second-level regions. In terms of regional autonomy, this law adheres to a concrete and responsible autonomy system with an emphasis placed on the second-level region. This emphasis is like what was emphasized in Government Regulations Number 45 of 1992 Concerning the Implementation of Regional Autonomy with Emphasis on Level II.

The Indonesian government, operating under Law Number 5 of 1974, has successfully achieved significant progress in its management of the country, despite some inconsistencies in the law's implementation. Indonesia is now on par with other third-world countries due to the success of its national development initiatives, which include a systematic development planning system implemented through *Repelita* (five-year development). If all the stages of the *Repelita* plan are successfully implemented, this developing country will mature into an Asian tiger [4].

4.7. Reform Era (1998-Now)

Since 1998, the period of reform has been in full swing. Since the reformation, various demands have emerged, some associated with promoting democratic procedures within society, country, and State. Developing laws and regulations, such as the law on regional government, which further governs the structure and procedures for administering regional government according to the conditions encountered throughout reformation, is another hallmark of the democratization process [22]. During the period known as

the Reform Era, laws governing regional governments, which are connected to decentralization and regional autonomy, were continuously evolving and improving. Law Number 22 of 1999, Law Number 32 of 2004, and Law Number 32 of 2014 are three of the laws that pertain to decentralization or regional autonomy during the time known as the Reform Era. Each of these laws is related to one another in many ways. The following section devotes some attention to each of these statutes [43].

4.8. Law Number 22 of 1999

MPR Decree No. XV/MPR/1998 issued by the MPR, concerning the Implementation of Regional Government, regulation, division, utilization of national resources, and Financial Balance between the Central Government and Regional Governments. This MPR decision is intended to reorganize the government system, a suggestion from the people to encourage the government to implement the law. To replace Law Number 5 of 1974 as the legal basis for decentralization, the Government of President BJ Habibie enacted two new laws in 1999: Law Number 22 of 1999 concerning Local Government and Law Number 25 of 1999 concerning the Financial Balance between the Central Government and Regional Governments. Both of these laws were signed into Law by President Habibie. The implementation of the two laws is substantially different from the principle of the law that came before it [1], which is analogous to switching from a centralized to a decentralized system [12].

The framework of regional autonomy and the substance of decentralization underwent a fundamental shift between Law Number 5 of 1974 and Law Number 22 of 1999, which is one of the most significant differences between the two laws [5]. These alterations are reflected in the substantive content of the law's formulation as it is pieced together, article by article. When observed, the two laws, namely Law Number 22/1999 and Number 25/1999) discuss several different matters. From a theoretical point of view, these two laws should lead to the conclusion that decentralization in Law Number 5 of 1974 tends to be deconcentrated and is the reason for its replacement. On the other hand, the decentralization outlined in Law Number 22 of 1999 tends to be more decentralized.

In certain circumstances, Law Number 22 of 1999 complies with the principles of federalism. This can be demonstrated by the Central Government's limited authority in the regions. Under the provisions of Article 7 of Law Number 22 of 1999, the Central Government's authority in the regions is limited to defence, monetary and fiscal policy, foreign policy, justice, and religion. This law reveals additional problems resulting from implementing regional autonomy with the construction of Law Number 22 of 1999 and Law Number 25 of 1999. These problems are related to the Division of Authority, the Division of Sea Territory, the DPRD's role as a superpower, and the Regional, Nepotism, and Disparity issues between regions.

After it was determined that Law Number 22 on Regional

Government was still incompatible with the growth of state administration and aspirations for autonomy, the government decided to repeal the law and replace it with Law Number 32 of 2004, which is concerned with Regional Administration. This change occurred after Law Number 22 had gone into effect. The government considers it essential to replace Law Number 22 of 1999 with Law Number 32 of 2004 concerning Regional Administration because it is believed that Law Number 22 of 1999 is incapable of establishing democracy to achieve people's welfare in the regions under the mandate of the Constitution of 1945. Therefore, the government feels it is necessary to replace it [36].

4.9. Law Number 32 of 2004

Because of the problems that arose during the implementation of Law Number 22 of 1999, including conflicts of authority, the division of sea areas, disharmony relations between the executive and legislature, as well as between regents/mayors and governors, regional financial management, and other issues, the efficiency of the administration of regional governments were negatively impacted [56].

In implementing the fourth amendment to the 1945 Constitution, the peculiarities of regional government administration were reconstructed in Law Number 32/2004 [39]. This law establishes the division of the Unitary State of the Republic of Indonesia into provincial areas. Further, it establishes the division of provinces into regencies and cities. The principle of having autonomy that is as extensive as possible, concrete, and responsible must be adhered to for regional autonomy to be granted. The regions are given the authority to manage all government affairs except those that the Center still holds. This is meant by giving the regions the widest possible degree of autonomy. Following Regional Government Law Number 32 of 2004, the implementation of regional autonomy is directed by the following three principles [10]:

- a. In the context of the Unitary State, the Republic of Indonesia, decentralization refers to the process by which government authority is transferred from the government to autonomous regions to govern and manage administrative affairs.
- b. Deconcentration refers to the delegation of governmental authority, either entirely or in part, by the Central Government to the state governors who serve as the government's representatives in their respective states and to the respective vertical agencies.
- c. Co-administration is the assignment of certain responsibilities and must be carried out by the province, municipality, and village, including development financing, infrastructure, human resources, reporting obligations, and implementation accountability.

It was immediately followed by the issuance of Law Number 33 of 2004 concerning the Financial Balance between the Central Government and the Regional Government, which took place on October 15, 2004. The publication of Law Number 32 of 2004 concerning Regional

Administration is a complete correction of the shortcomings of Law Number 22 of 1999. It was followed immediately by the publication of Law Number 33 of 2004 concerning Regional Administration [27].

A regional authority highlights a significant divergence between Law Number 32 of 2004 and Law Number 22 of 1999. The delegation of affairs is more re-centralized according to Law Number 32 of 2004, which contrasts with Law Number 22 of 1999, which deals with the transfer of authority. However, this law strengthens the notion of the regulation of the relationship between central and regional powers. This arrangement is ambivalent between the desire to realize decentralization and the principle of centralization.

Even so, the agreement was used as a reference for amending the Regional Government Law based on the government's statement to the House of Representatives (DPR-RI). The draft Regional Government Law was submitted and agreed to divide Law Number 32/2004 into three. The three laws are Regional Government, Villages, and Regional Head Election. This statement was made based on the fact that it was agreed to split Law Number 32 of 2004 into three laws. It was supported by enacting two additional laws to strengthen governance at the Center and in the regions. Law Number 32 of 2004 became the new Law on Regional Government, supported by these two other laws.

4.10. Law Number 23 of 2014

The local government's administration in Indonesia is dynamic, meaning that it is constantly shifting in response to changes in the government and criticism and aspirations voiced by the general public. In addition, the findings of the government's internal investigation into the administration of the government led to some revisions and alterations being made to the state order, one of which was the Law on Regional Government. Furthermore, modifications are required to achieve an ideal condition for the government that is in line with the community's expectations and to respond to the numerous challenges that arise during the enforcement of Law Number 32 of 2004. Law Number 32 of 2004 concerning Regional Administration needs to be amended because, as stated in the preamble to Law Number 23 of 2014, it no longer conforms with the changed circumstances, state administration, and demands for regional government administration. As a result, the law needs to be amended.

According to Law Number 23 of 2014, the Unitary State of the Republic of Indonesia is divided into provincial regions, and the provincial regions are further divided into regencies and cities. The law also states that the areas within regencies and cities should be into sub-districts and sub-districts into sub-districts and villages. The principle of the transfer of regional autonomy in this law is the widest possible autonomy based on the principle of a unitary state. This principle was established in this law. In a unitary state or nation, governments have the sole right to exercise sovereignty; regional governments have no such authority. Consequently, the Central Government will continue to

maintain primary responsibility for the administration of the Regional Government no matter the level of autonomy granted to the regions. The Regional Government in a unitary state is an indispensable component of the National Government.

The most recent statutory provision associated with post-reform decentralization or regional autonomy is Law Number 23 of 2014 concerning Local Government. This law was passed in 2014. The following are some effects of post-reform regional autonomy [57]:

- a. There are quite large gaps and disparities between the development of big cities, especially the capital city of Jakarta.
- b. Mass exploitation of natural resources is inversely proportionate to development in areas such as Papua.
- c. There is a notion that regional autonomy refers to unrestricted freedom to rule upon people's hopes and dreams.

Badrudin & Siregar [6] found several problems in their research that were caused by the implementation of regional autonomy, including the following:

- a. The gap in development progress between regions rich in natural resources and regions poor in natural resources.
- b. The corruption, money politics, and political pragmatism in local communities.
- c. Political legitimacy and stability have yet to be completely realized.
- d. Horizontal and vertical conflict.
- e. Local community welfare has not been completely fulfilled.

Additional reasons for opposing the implementation of regional autonomy include 1) fragmentation and disunity, 2) deteriorating governance, and 3) disparities between regions [7]. Regional autonomy is a government decree that has become a law mandate and must be implemented in support of the interests of regional governments, the Central Government, and the community on an equal basis. Problems arising due to the implementation of regional autonomy can have an adverse impact because the policies governing regional autonomy need to be rethought to address the various problems resulting from its implementation [57].

5. Conclusion

The implementation of regional autonomy will continue to adapt to current world conditions. The policy will be more effective because of the government's ability to adapt. The development of regional autonomy in Indonesia can be observed through historical context by tracing the evolution of regional autonomy laws from the Old Order, New Order and Reformation eras in Indonesian history. The government uses the concept of regional autonomy because it looks at the broad picture of the area and the large population and requires an appropriate administrative structure for the region. Because of this, the choice of a decentralized system has become an option stipulated in the Indonesian constitution.

Decentralization refers to the establishment of autonomous regions and the delegation of legal authority from the Central Government to local governments to manage local government affairs.

Regional autonomy is closely related to the granting of autonomy to the regions as a form of democracy, increasing the quality and effectiveness of government, advancing regional development, and promoting national stability and unity. An interesting finding is that there is a description of the enactment and implementation of the decentralization and regional autonomy laws - from the proclamation of independence until the reform era - always following the conditions and wishes of the government regime.

Ethical Issues

This study was approved by the Universitas Muhammadiyah Jakarta Research Ethics Review Board (010-UMJ-0011-2021).

Competing Interests

The Authors declare that they have no competing interests.

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