

REGIONAL AUTONOMY POLICY ON GOVERNANCE BASED ON QUALITATIVE STUDIES IN INDONESIA

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Abstract

The present regional authority in Indonesia is based on the decentralization, deconcentration, and task assignment principles outlined in Law Number 32 of 2004 Governing Regional Government. Furthermore, each region's government authority is separated by Government Regulation Number 38 of 2007 on the Division of Government Affairs Between the Government and the Provincial and Regency/City Governments. As public policy implementers, the writers of this study will approach it from a theoretical, practical, and experiential standpoint. This study employs a qualitative research methodology. Descriptive information from literature reviews is used in qualitative research to give a comprehensive picture of the legal circumstances that arise in community rules. Deductive processing, which compares general and specific issues, will be used to process legal materials. Additionally, Indonesia's regional autonomy policy and governance will be viewed through an analysis of current legislative provisions. Documents, publications, rules, articles, and performances deemed pertinent to this subject are the sources of secondary data. Literature studies are used in this investigation. This study looks at the constitutional law system's definition of regional autonomy, how policies promoting regional autonomy can result in efficient governance, and how the Indonesian government can be governed using good governance principles.

Keywords: Government, Indonesia, Regional.

Introduction

The practice of regional autonomy in Indonesia has evolved since the passage of Law Number 23 of 2014 concerning Regional Government. Since the old law was no longer appropriate for the current situation, state administration, or the requirements of regional government administration, this revision was required. The new law gives each area the authority to govern its own territory, adhering to the idea of the greatest possible autonomy (Thahir, B. 2019).. Basic services are given legal precedence, and government operations are separated between required and elective activities. The governor's function has changed significantly; he now represents the central government, boosting regional autonomy and preventing authority overlaps, both of which enhance the effectiveness of the national government (Choirulsyah, D., & Azhar, A., 2024).

The power to regulate, distribute, and perform government functions in the health sector was granted to regional governments following the repeal of Law of the Republic of Indonesia Number 22 of 1999 concerning Regional Government and the enactment of Law of the Republic of Indonesia Number 32 of 2004 concerning Regional Government. Law of the Republic of Indonesia Number 23 of 2014 regulating the Regional Government subsequently changed this law. The following mandatory government responsibilities pertaining to basic services are listed in Article 11, paragraph 2 of Law Number 23 of 2014 concerning Regional Government: a. Education; b. Health; c. Public Works and Spatial Planning; d. Public Housing and Residential Areas; e. Public Order, Security, and Community Protection; and f. Social. (Butarbutar, E. N., 2018).

As a result, this starts with the right to health protection that residents have been guaranteed by Law Number 23 of 2014 concerning Regional Government, which supersedes Law Number 32 of 2004 concerning Regional Government and modifies the allocation of responsibilities. Thus, the purpose of this research is to identify and comprehend regional autonomy policies that support the development of efficient governance in Indonesia. The study will also look into how government management is handled using the concepts of effective management.

1. Formulation of the Problem

Given the foregoing context, the problem statement for this study is as follows: a. What does "regional autonomy" mean?

b. How is effective governance shaped by this policy?

c. How are the governance principles applied?

2. Research Objectives

This study aims to examine the concept of regional autonomy in the constitutional law system, how regional autonomy policies can produce effective governance, and how the principles of good governance can be applied to regulate the Indonesian government. By doing so, it seeks to provide valuable insights into the dynamics of governance in Indonesia, which can inform future policy decisions and academic research.

General Policy Overview

According to Padmo Wahjono, the policy of state administrators that establishes rules to punish something, including the formation, implementation, and enforcement of laws, is a basic policy that determines the path, form, and content of the law to be made (Suharizal, 2017). The legal basis is that people want the law to handle the problem. (Mahfud MD) The name of this stage is the initial stage. After that, the idea becomes a general discussion topic, and the community has many responses. Therefore, the community determines whether the concept can be regulated by law—the socio-political stage where ideas that have been sharpened become products. The next stage, the legal technical stage, is ready to include this improved idea. At this stage, the legislators convey an idea in a political forum (Pamungkas, T. K., & Rosyanfikri, R., 2021).

The purpose of the state is always related to legal policies related to regulations that are enforced or not enforced. As a result, Mahfud MD stated that certain policies change periodically while others remain in effect for a long time. People's economy, judicial review, judicial independence, state control over natural resources, the balance between legal certainty, justice, and profit, replacement of colonial law with national law, and others are principles that still exist. This shows that some principles of the 1945 Constitution of the Republic of Indonesia became policies simultaneously. Policies were made and revoked periodically according to the conditions, as happened in 1973–1978 (Simanjuntak, N., 2020). We can determine whether the permanent policies in the 1945 Constitution are appropriate by looking at them. The opinion above comes from a formal policy perspective. However, the policy can also be seen from a formal perspective, which considers the legal wisdom of the official formulation as more than just a product; it can also be seen from the background and process in which the official formulation was made.

General Overview of Regional Autonomy

"Autonomy and Region" derives from the Greek terms "otoni," signifying "self," and "nomos," denoting "rules and laws." Consequently, autonomy can be defined as the capacity to govern oneself or establish regulations for managing one's personal life. Nevertheless, regions possess boundaries as legal entities.

Benjamin Hoesein characterizes regional autonomy as governance executed by and for the populace inside a segment of the national territory, which operates informally independent of the central authority (Ani Sri Rahayu, 2018). Page 13 of the book "Introduction to Regional Government: Study of Theory, Law, and Applications," published in Jakarta by Sinar Grafika. Marion asserted that regional autonomy entails the regional authority possessing the liberty to respond to the local community's demands and determine the utilization and optimization of its resources. Philip Malwood defines regional autonomy as a regional administration possessing its own authority. This differs from the government's authority to allocate essential material resources for diverse purposes, as noted by Ani Sri Rahayu, Op. Cit., p. 22.

The purpose and benefits of regional autonomy are to grant autonomous regions the rights, authority, and responsibilities to govern and oversee the concerns and interests of their people in accordance with the law. Local interests are also granted autonomy. The aims and advantages of regional autonomy encompass:

1. Enhancing services and development, specifically targeting improvements in regional services and community development.
2. Enhancing economic potential, specifically targeting regional development to bolster the national economy.
3. Enhancing community welfare seeks to augment regional wellbeing by optimizing the efficiency and efficacy of governmental administration.
4. Enhance community engagement to reduce reliance on the central government in the areas.
5. Enhancing national unity and political stability seeks to bolster cohesion and stability among the regions and the state.
6. Enhancing the efficacy of the central government, namely targeting the augmentation of its operational efficiency in fulfilling its responsibilities.
7. Enhancing oversight to ensure that regional autonomy can bolster the monitoring of citizens engaged in activities.
8. Enhancing the quality and quantity of regional products through regional autonomy can elevate the standards and availability of local goods and services.

Methodology

This study utilizes qualitative research methodologies, employing descriptive data from literature reviews to elucidate the legal situations inside community regulations. The analysis of legal information is conducted deductively, facilitating thorough comparisons between general and specific issues. We conduct a comprehensive analysis of available legal documents to assess regional autonomy policies and Indonesian governance, so assuring a rigorous and dependable research methodology.

This study utilizes secondary data as its source. Secondary data comprises documents, books, rules, writings, and performance pertinent to this subject. Legal periodicals and judicial opinion analyses Secondary data encompasses two categories: a) Primary legal materials, which include binding legal documents such as fundamental norms or rules (Preamble to the 1945 Constitution of the Republic of Indonesia), foundational regulations (body of the 1945 Constitution of the Republic of Indonesia), statutes, jurisprudence, treaties, and legal documents from the colonial era (Civil Code and Commercial Code). Online dictionaries and other informational resources, for instance. The data collection tools utilized in this investigation are available online. Literature studies, for instance, utilize digital media to gather the secondary material required for research.

Result

Definition of Regional Autonomy

The regional autonomous government represents a transitional phase from a decentralized system to another decentralized system. Autonomy indicates that the regional government performs governmental functions within the parameters of a bureaucratic system. The objective of autonomy is to deliver services to the community efficiently and effectively. The transfer of this topic during the growth process seeks to enhance regional development across several sectors, improve public services, augment regional autonomy, and bolster regional competitiveness. Regional tasks will be executed utilizing the notion of medebewind or support in the delegation of functions. Centralization refers to the concentration of power within economic, social, and cultural domains. Consequently, autonomy influences private entities, the general populace, and regional administrations. Moreover, autonomy enables regional administrations to engage directly with pertinent public and private organizations across diverse sectors (Putrijanti, A., Leonard, L. T., & Utama, K. W, 2018).

Decentralization entails transferring central government responsibilities to autonomous regions that possess their own foundation of authority. Regional autonomy delegates governmental responsibilities from the central authority to local jurisdictions over their policies or systems. Smith defines the delegation of authority to subordinate governments as decentralization, involving the execution of tasks by regional governmental entities utilizing APBD funding. The 1945 Constitution of the Republic of Indonesia delineates absolute and concurrent governmental issues. Concurrent government matters encompass both obligatory and discretionary responsibilities assigned to federal, provincial, and district/city governments. Mandatory government matters encompass those pertaining to essential services as well as those unrelated to essential services. Alongside absolute and concurrent government affairs, general government affairs are governed by Law Number 23 of 2014 regarding Regional Government. The President oversees the overall administration of the country. This pertains to upholding the principles of Pancasila, Bhineka Tunggal Ika, and the 1945 Constitution of the Republic of Indonesia, while fostering peaceful relations across ethnicities, faiths, races, and groups as foundational elements of national and state life, so supporting democracy (Azhar, M.,2015). The governor serves as the chief executive of the province, while the regent or mayor leads the district or city administration, with authority conferred by the President.

The primary aims of decentralization are as follows: 1. Political aims seek to establish national political stability by promoting regional political participation; 2. Economic objectives focus on facilitating effective and efficient regional development to achieve social welfare. As to Law Number 23 of 2014 regarding Regional Government, regional planning is conducted within the framework of decentralization. The objectives of planning, as stated in paragraph (1), are to: 1) assure the efficient operation of regional government; 2) enhance social welfare; 3) advance the development of public services; 4) elevate the quality of government administration; and 5) augment regional competitiveness.

Forms of Regional Autonomy Policy Efficient Government Administration

Good governance is an integral and significant component of the ecological cycle anticipated from the government. Good governance pertains to the interactions of local government (bureaucracy), the business sector, and the general public under established regulations. The government must establish a favorable economic, political, social, cultural, legal, and security environment, while the private sector,

through its active involvement in economic development, is essential for enhancing employment and income levels. "The Realization of Good Governance in the Implementation of Regional Government in the Era of Regional Autonomy," authored by (Muhammad Jafar AW, 2019).

The implementation of national and local policy by district or city administrations constitutes an aspect of good governance. The efficacy of the regional legislature in formulating policies for the regional government is interconnected with the manner in which the regional government executes these policies at the local level. The government has revised Law Number 32 of 2004 on Regional Government and Law Number 23 of 2014 pertaining to Regional Government. Cities and districts require extensive, genuine, and proportionately accountable authority to exercise their autonomy. Law Number 23 of 2014 about Regional Government states that regional autonomy mechanisms are the remedy for three essential issues in governance and public services. Initially, regional autonomy should enhance the proximity of government to the populace. Secondly, it must establish sustained accountability. Ultimately, regional autonomy should promote responsiveness, necessitating active community involvement in local policy formulation. Indonesian regional governments have achieved significant success in regional development for over a decade, demonstrating the efficacy of sound governance (Endah, K., 2016).

Regional governments require efficient governance to execute regional autonomy. The implementation of national and local policies by regional governments, including cities and districts, is integral to good governance, as is the execution of local policies by these governments.

The notion of Good Governance surfaced as a significant issue in the administration of contemporary public management in the early 1990s. National governance is of paramount significance. With the onset of the reform era, TAP MPR RI No. XI/MPR/1999 and Law Number 28 of 1999, both addressing the necessity for State Administrators to be devoid of Corruption, Collusion, and Nepotism (KKN), have exemplified Indonesia's dedication to executing governance and national development grounded in the principles of good governance (Prihastuti, 2022).

Discussion

Tenets of Effective Governance in Indonesia

Good governance possesses multiple attributes, including a concept and framework for governmental administration. Ishan Krishna Saikia of the UN Economic & Social Commission for Asia & the Pacific states that the World Bank possesses "(a) a predictable, open, and enlightened policy-making framework, (b) a bureaucracy characterized by a professional ethos dedicated to the public good, (c) adherence to the rule of law, and (d) a transparent process alongside a robust civil society engaged in public affairs (World Bank, Governance, 1993). " It is participatory, consensus-driven, accountable, transparent, responsive, effective, efficient, equitable, and inclusive. One principle of effective governance is:

1. Accountability, namely the obligation of a public leader entrusted by the community to manage all interests.
2. Community Participation refers to the active engagement of the community in many activities. This can be accomplished by expressing opinions and engaging in decision-making either directly or via institutions that represent their interests.
3. Efficiency and effectiveness are fundamental principles employed to enhance public services by acquiring information pertinent to the community, which may be assessed based on the accessibility of such information to the community.
4. Transparency is the fundamental principle employed to acquire information regarding significant matters affecting the community.
5. Equality—This ideal is described as delivering services and treatment to all individuals without discrimination. Each community possesses the potential to enhance its quality of life or sustain its welfare.
6. Maintaining the Rule of Law The community requires processes and regulations in the political process to formulate public policies that guarantee effective governance. The legal structure, encompassing human rights provisions, must be unbiased.
7. Strategic Perspective are an essential technique that facilitates future planning, offering society and leaders an extensive perspective on human growth and governance.
8. Reactivity
This principle asserts that every institution must be dedicated to delivering optimal service to all stakeholders.
9. Consensus Orientation
The World Development Program asserts that this principle of effective governance enables the government to arbitrate conflicts by addressing difficulties arising from the decision-making process.

Effective governance transcends national boundaries due to the continuous evolution of the global landscape. The government endeavors to furnish the community with public services. The government is impacted by political, economic, technological, and socio-cultural transformations. Policy implementation is a legal administrative mechanism wherein diverse actors, organizations, procedures, and approaches collaborate to execute policies and effectuate change. This procedure pertains to the program to be executed by an organization or institution, particularly a governmental one, encompassing facilities and infrastructure to bolster the program.

Conclusion

Regional autonomy is characterized as the delegation of governmental responsibilities from the central authority to regional administrations concerning the governance framework or policies enacted within the region; the concept of "decentralization" similarly pertains to the assignment of governmental duties from the central government to autonomous regional entities. Law Number 23 of 2014 concerning Regional Government establishes a newly formed government structure to enable decentralization. According to paragraph (1), the regional arrangement is carried out to improve community welfare, improve the quality of public services, improve the efficiency of governance, increase competitiveness at the national and regional levels, and meet the above requirements.

Good governance is not confined to specific countries; it is a global concept that evolves in line with global developments. The government's goal is to provide the community with public services. The government is influenced and affected by changes in politics, economics, information technology, and socio-culture. Despite the various steps taken to implement public policy, the person responsible for implementation must ensure the policy is supervised and communicated clearly, accurately, and consistently to the right person.

Current data shows that Indonesian laws and regulations are not fully based on the principles of good governance, such as community participation, transparency, and accountability. This may jeopardize the enforcement and safeguarding of Human Rights in Indonesia. Facilitating extensive community participation, disseminating diverse information, and establishing accountability mechanisms for lawmakers and regulators are examples of potential initiatives.

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