Regional Autonomy in Indonesia after the Second Constitutional Amendment: Assessing its Developmental Delivery

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Submitted: Des 11, 2023; Reviewed: Mar 22, 2024; Accepted: Jun 21, 2024

Abstract

As the practice of regional autonomy in the form of decentralization gains traction in many countries around the world, it has also become a constitutional edict in Indonesia. Indonesia also deems it fitting to include it in its national governance framework. This ideology came into being after the constitutional amendments as an initiative to transfer authority from the national to the local level, which is thought to have an impact on the content and standard of governance. Indonesia has put in place a comprehensive decentralization strategy since the reform was first introduced in the late 1990s. By giving subnational governments, the freedom to choose programmes that are more relevant to community needs and regional growth goals, it tries to promote regional development from below. This research aims at making an exposition to understand the level of development or otherwise regional autonomy has delivered. In order to realize this, normative research method is used through secondary data like journal articles, books, newsletters, and other instruments that are relevant to it. This research, therefore, reaches the conclusion that regional development strategies has failed short of the expectation of the people and therefore, should aim at achieving these goals: to address the major disparities in the distribution of social and economic opportunities across the country and to raise incomes and living standards in the regions through the regional autonomy. This can be done through judicial review of laws that deal with regional autonomy.
A. Introduction

The issue of the urgency of regional autonomy after the amendment of the 1945 Constitution of the Republic of Indonesia is primarily based on the need to decentralize power. In other words, it is urgent to ensure the sharing of power and resources in Indonesia after the amendment of the 1945 Constitution. Therefore, in an attempt to give an exposition of this subject, this research uses more of the terms “decentralization” and “autonomy” and less of “expansion” as used in some texts. This diction is a deliberate act in this research in order to reflect what is captured in the Constitution of the Republic of Indonesia 1945 and other laws that are germane to this issue. Decentralization is often predicated on the idea that improvements in policymaking and accountability within a community can enhance the performance of public administration and the execution of public services. Decentralization refers to the transfer of authority from the national level to the local level, which is thought to have an impact on the content and standard of public administration.  

The inclusion of Article 18 in the second amendment of the Constitution of Indonesia 1945 for the implementation of regional autonomy reflects the norm of Article 1 paragraph (1) of the same constitution, which recognizes Indonesia as a unitary state. It is, therefore, sufficient to aver that there is no state within the Indonesian state as in the case of federalism. The philosophical underpinning of this is that regional communities have the rights of origin and indigenous rights to manage their interest within their communities by the development agenda of Indonesia as a unitary state.

Indonesia has put in place a comprehensive decentralization strategy since the reform was first introduced in the late 1990s. By giving subnational governments the freedom to choose programs that are more relevant to community needs and local and regional growth goals, it tries to promote regional development from below. The system of autonomous government in the form of expansion has been in place for more than twenty years. In the aftermath of the amendment of the 1945 Constitution of Indonesia, Article 18 (1) of the Constitution provides that “The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (kabupaten) and municipalities (kota), each of which shall have regional authorities that shall be regulated by law”. Article 18, 18A and 18B, which deal with regional expansion or decentralization came into being after the Second Amendment of 2000 which is a constitutional process provided in Article 37 of this same constitution. This is the constitutional background for the establishment of regional autonomy in Indonesia.

At the outset of Indonesia’s independence, the ideas of federalism and regional autonomy were under discussion. Soekarno, the president of Indonesia at the time, and Mohammad Hatta conducted the discussion. Soekarno fought valiantly to uphold the idea of a unitary state as a continuation of the archipelago that had previously prevailed. Mohammad Hatta, who supported the federal state more, disagreed with this notion. According to Hatta, Indonesia is a pluralistic culture that requires some sort of federal state to bring the entire Indonesian country together. It is instructive to point out that these constitutional amendments mark the beginning of the reformation era which started immediately after the fall of the New Order Regime of Soeharto.

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3 Tessa Talitha, Tommy Firman, & Delik Hudalah, “Welcoming two decades of decentralization in Indonesia: a regional development perspective” Territory, Politics, Governance Vol. 8 No.5 (2020): 690
During the New Order administration of Soeharto, Indonesia’s decentralization policy outlined in Law No. 5 of 1974 on Principles of Government in the Region, which was implemented under the New Order, had been in effect for about twenty-four years, the implementation of tangible and accountable autonomy that placed a focus on local government instead of the regional level ran slowly, inconsistently, and in some cases, backward.5

With a view to strengthening and complementing the constitutional effort towards regional expansion, Law No. 22 of 1999 provides for regional governments and allows regions to establish regional expansion or decentralization. Indonesia having recognized later that this law is no longer relevant to developments in the administrative system within the context of the state administration system enacted and promulgated Law No. 32 of 2004. Aware of the diversities of challenges facing the state and the urgency to improve the welfare of the people, Law No. 23 of 2014 provides in paragraph (b) of the preamble that “the regional administration is directed to accelerate the realization of the welfare of the community through service improvement, empowerment, and community participation, as well as improving the competitiveness of the region by taking into account the principles of democracy, equality, justice, and the peculiarities of an area within the Unitary State of the Republic of Indonesia.” These challenges call for the urgency of regional decentralization or expansion in this research.

The ability to modify and manage governmental concerns and the needs of the local society in accordance with legal principles is referred to as regional self-sufficiency. The central government’s decision to grant regional autonomy aims to boost regional productivity, public services, and community welfare. The establishment of regional autonomy is anticipated to give regions the flexibility to carry out regional development to enhance community welfare. The community’s welfare is highly important to be achieved by the local authority because it is one of the main purposes for the establishment of the local authority as well as a requirement of the law.6 The political goals of regional autonomy are (i) to build a superstructure and infrastructure of democracy based on popular sovereignty. Elections for regional heads and directly elected representatives at the local level; (ii) administrative goals, which enable regional governments led by regional heads to carry out their duties in a way that maximizes effectiveness, efficiency, equity (equality), and economy; and (iii) socio-economic goals, which make use of the social capital, intellectual capital, and financial capital of the community to advance the welfare of society.7 These are very vital to regional expansion initiatives. This research focuses on assessing the developments or otherwise of regional autonomy in Indonesia and then, seeks to know how regional autonomy can be used to promote development agenda of a welfare state.

This research on regional expansion after the amendment of the 1945 Constitution of the Republic of Indonesia is premised on the problem of the need to realize the provision of paragraph (b) of Law No. 23 of 2014. The challenges faced at the regional level with regard to the welfare of the people, equality, justice, and the uniqueness of an area within the Unitary State of the Republic of Indonesia spur on the need and urgency to expand governance in the form of decentralization. In actuality, regional expansion’s stated goal of enhancing welfare has not been entirely attained. Normative legal research method is used drawn from primary and secondary legal principles and like laws, books, articles, conference papers and other

materials that are germane to this research. Facts are drawn from these findings to support the theories that are applied here.

Therefore, the novelty of this research reflects on the theories that support regional autonomy towards the realization of a welfare state and the how the how the national agenda on regional autonomy has failed to deliver the long-anticipated vision of a welfare state in terms of development.

B. Discussion
1. Theories on Regional Autonomy in Indonesia
   a. Theory of Social Welfare

   The implementation of regional autonomy in Indonesia represents the development of the fundamental idea of decentralization based on the Welfare State theory which is highly compatible with the foundation of the Indonesian State and the operation of its government, both of which should ensure the attainment of the people’s welfare. The 1945 Constitution serves as the basis for the state’s provision of welfare to its citizens. In other words, the main reason the Republic of Indonesia founded was to, among other things, to ensure the prosperity of all its citizens, without exception, and the goal of national development is to improve social welfare, rather than just economic growth. The social welfare theory started getting meaningful to Indonesian state policymakers through the 1966 MPRS Decree that although foreign aid and investment are unavoidable, their role in advancing Indonesia's economy is dwindling. However, in order to finance development, it must first turn to domestic resources. Also, it seeks to provide for all of the satisfaction of each citizen's fundamental social and economic necessities to ensure a certain standard of living.

   There are many countries worldwide that differ from one another in terms of their populations, wealth, natural resources, geographical differences, as well as their culture, language, history, ethnicity, and religion. As a result, these disparities among different countries lead to a variety of objectives. Additionally, each region of the nation needs to have governance that is at least passable in order to provide better services to all levels of government. In this situation, regional autonomy is the most widely used mechanism. According to the creators of Welfare State theory, the state must actively pursue prosperity and perform in a way that can be enjoyed equally by all citizens, not just for the wellbeing of particular groups.

   The idea of a welfare state was developed in the 20th century as a corrective to the growth of the notion of the nation as a night watchman, a result of the phenomenon of economic capitalism that over time causes a laxity in the distribution of wealth. According to the welfare state philosophy, the government must also take on responsibility for the people’s socio-economic issues. The Welfare State theory is often interpreted and contains at least four meanings, including: (i) As a condition of well-being, where social welfare is a condition of meeting material and non-material needs. A state of prosperity occurs when people's basic needs for nutrition, health, education, housing, and income can all be provided and when they are shielded from serious threats that endanger their well-being.; (ii) As a social service, the five types are typically social security, medical care, education, shelter, and other social services.; (iii) As a social benefit, social assistance is given to the impoverished. Because the majority of welfare clients are low-income, disabled, or unemployed, the term “welfare” has

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negative connotations that include poverty, sluggishness, and dependency; (iv) *As a planned process or enterprise*, a method used by people, social organizations, neighborhoods, and governments to enhance the standard of life via the provision of social opportunities and services.\(^{11}\)

a. Agency Theory and Organisation Change

Another theory on regional expansion is the agency theory and organization change theory. These theories are the foundations of this study. According to Jensen and Meckling (1976), agency theory explains the link between the principle, who had financial assets, and the agent, who managed and controlled those assets. The government functions as an agent while the community functions as the principal in the study of government. So that citizens have the ability to exercise control and align their goals with those of the government.\(^{12}\)

According to Badrudin and Siregar, the theoretical underpinning of regional expansion in Indonesia is predicated on the idea that the regions are better prepared to comprehend their needs and create the required programmes to advance their territories.\(^{13}\)

According to Smoke\(^{14}\), decentralization has become a tool for public sector organizations all over the world to address a variety of problems. It has also changed as a result of widespread discontent with the outcomes of centrally planned economic policies, which inspired reformers to implement decentralization in order to lessen the size of the central government's power and encourage wider engagement with democratic governance. One crucial premise is that local governments can more quickly detect citizens' needs since they are situated closer to them, enabling them to provide the right kind and level of public services.\(^{15}\)

b. Theory of social justice

The universal application of John Rawls’ Theory of Justice to developing nations like Indonesia is particularly significant given that the majority of Indonesians continue to live in poverty. In many ways, Rawls’ explanation of the Theory of Justice is consistent with Indonesia’s goal to build a foundation for national and state life that is founded on social justice. The term “social justice” is provided twice in the fifth principle of Pancasila which is a sine qua non to Indonesia’s justice framework.

2. The Current State of Regional Expansion in Indonesia

One of the most important aspects of good government is regional autonomy. Numerous European countries are constantly working to increase local government autonomy, demonstrating the value placed on decentralization and the transfer of extensive powers to the lowest levels of government. However, comparing and measuring local autonomy has proven to be difficult. In addition to differing opinions regarding the fundamentals of local autonomy, there are significant challenges in translating certain notions to other nations.\(^{16}\)

The purpose of regional autonomy, that is, the raising of living conditions in the regions, can be realized through the execution of local government based on the concept of regional autonomy by giving

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regions greater chances to administer and manage their households. The arrangement of state entities that are split both horizontally and vertically was necessary to achieve the state’s objectives. The legal standing of each state entity that possesses and exerts executive, legislative, and judicial power in accordance with the Republic of Indonesia’s 1945 Constitution will be used to analyze the horizontal sharing of power within the State of the Republic of Indonesia. The vertical power sharing system established by Article 18 of the 1945 Constitution of the State of the Republic of Indonesia cannot be detached from the operations of local governments in a unitary state. Following the Second Indonesian 1945 Constitutional Amendment, which resulted in the introduction of Article 18. This article becomes the basis for regional autonomy in Indonesia.

There is a hope that the regional autonomy strategy will improve local public services in addition to transferring duties to the local government. Following decentralization, the improvement in regional welfare could be tracked using indicators of economic growth and welfare. In handling this, local leaders’ aptitude is crucial. Strong local leadership, a business-friendly atmosphere, and effective public budget management are requirements for municipal leaders. In 1998, Indonesia went through a serious crisis. It had a substantial impact on regional economies in addition to the national economy.

During the crisis, regions saw a noticeable slowdown in economic growth, particularly in Java. Since regional expansion, some provinces, particularly those outside of Java and Sumatra, have experienced rapid economic growth, including Gorontalo, Jambi, Southeast Sulawesi, West Sulawesi, and West Papua. However, provinces rich in natural resources, like East Kalimantan and Riau, frequently experience slower growth than the country as a whole. Undoubtedly, the state of local government today is much better than it was before 1998, when there was significant centralization and poor local government performance. This current state of Indonesia as empowered by regional autonomy is quite timely and relevant to the development of the country.

Considering the current status of regional autonomy in Indonesia, it has not operated in a way that is consistent with the articulation of its fundamental notion, which is based on the welfare state theory, and in a way that is consistent with the Indonesian state norms. Over time, the concept of regional autonomy that resulted from the reform revealed numerous issues, including difficulties in coordinating local government districts with the provincial administration. Lack of unanimity between the central government and regional governments is quite evident through conflicts in regions like Papua. Contrary to the contemporary experience, the main reason the Republic of Indonesia was founded was to guarantee welfare to everyone, without exception. In addition to promoting economic progress, national development aims to improve social welfare by meeting the diverse economic and social requirements of every citizen in order to ensure a minimal standard of life. As a result, the State of Indonesia is frequently referred to as a nation that embodies the idea of a welfare state. This is because one of the aims of the state is expressed as a welfare state in the preamble to the 1945 Republic of Indonesia. In this situation, Pancasila is considered as the basis of constitutional

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law in Indonesia and is an inspiration for the creation of the country’s legal system because it is mentioned as a philosophy in the Preamble of the Constitution.\textsuperscript{21}

In order to preserve the cohesiveness of the Unitary State of the Republic of Indonesia and advance the welfare of the populace in a democratic manner, state organizers, and bureaucratic apparatus at the central and regional levels must work together to set up regional autonomy governments successfully. Between state organizers, that is, between the federal government and local governments, it is necessary to understand the regional autonomy's authority, resources, institutions, people, finances, and administration of the public sector.\textsuperscript{22} Since 2001, Indonesia has been engaged in a decentralization initiative that has profoundly changed the political economy of the fourth most populous nation in the world. Although the law enacting decentralization (Indonesia 1999) puts more emphasis on enhancing local governments' capacity to respond to local circumstances, research frequently links decentralization with better national economic performance.\textsuperscript{23} Significantly, this “regional expansion” has evolved into a key term in the modern neo-institutionalist lexicon, alongside terms like “civil society,” “social capital” and “good governance” especially when it comes to concepts that are meant to emphasize “social” development.\textsuperscript{24}

a. The Urgency to the Realization of Regional Autonomy in Indonesia

Regional expansion is expected to create regional independence. The purpose of this expansion as stated in various laws and regulations should be aimed at improving the welfare of the community through:

a. Enhanced services for the public;
b. Advancement of democratic life's development;
c. Acceleration of the implementation of regional economic development;
d. Acceleration of regional potential management;
e. Promoting safety and peace;
f. Advancing the harmony between the regions and the center.

Therefore, it is on the basis of these important factors that it is urgent to embrace regional expansion in the aftermath of the Second Amendment of the 1945 Constitution of Indonesia. The expansion of regional autonomy in Indonesia is very significant at this time because, aside from being a constitutional mechanism it cannot be divorced from a country's development. Despite this, regional expansion in Indonesia has historically been a challenge, as have changes in the political landscape brought about by or accompanying the country's growth.\textsuperscript{25} It is argued that a centralistic administration has been considered less popular due to its incapacity to correctly understand local values and ambitions by the public, which is a harsh criticism of it. The reason is that if the government was physically and psychologically closer to the people, they would feel more protected and at peace. In the interim, granting the

\textsuperscript{22} Edgar Rangkasa, “Penyelenggaraan Otonomi Daerah Guna Mewujudkan Kesejahteraan Masyarakat Edgar Rangkasa” Journal Lex Librum Vol. 4 No.1 (2017): 617
region limited autonomy would not result in “disintegration” and would not decrease the level of power held by the central government because the ideology is based on unitary and not federal state. Instead, it would increase the region’s respect for the federal government. The deliberate inclusion of the phrase “divided into” instead of “consist of” in Article 18 (1) is a confirmation of a choice of a unitary state and not a federalism.

In several parts of Indonesia, there is a regional growth gap. Despite the enormous economic growth that Indonesia has experienced recently, a large portion of its population still lives in extreme poverty. It is made clear that the problems with centralized development throughout the New Order era, from 1966 to 1998, are inextricably linked to the development gap in Indonesia. Geographical difficulties, poor human resource quality, and political and cultural difficulties throughout all of Indonesia’s regions all add to the disparity. Governments at all hierarchies should concentrate on their fundamental duties in the future, namely: creating and modernizing legal and regulatory circumstances; creating an environment that supports an effective resource distribution process; boosting the quality of human resources and infrastructure; safeguarding those who are vulnerable in both physical and non-physical ways; and preserving and enhancing the environment’s capacity to add value to the people. It is argued that the government must put a strong emphasis on modernizing public services using a paradigm of regional autonomy if it is to flourish in the global age.

b. The Case of Regional Autonomy in the Province of Papua

Digressing to the region of Papua and still within the territory and context of Indonesia, the political choice to incorporate Papua into the Unitary State of the Republic of Indonesia is motivated by high values. However, in practice, many policies of development in centralized governance have not entirely reflected respect for human rights in Papua Province, particularly the Papuan people, nor have they fully helped to attain their welfare. This is what spurs many to refer to this region as a “paradox of plenty”. The wealth of the region does not correlate with or reflect on the lives of the Papuans. There are issues that need to be handled through effective regional autonomy, including violations of human rights, disregard for the fundamental rights of indigenous people, and disagreements over the timeline of Papua's incorporation into the Unitary State of the Republic of Indonesia. The core causes of the Papuan people's issues and aspirations have not yet been addressed by attempts to fix them, which has led to a variety of disappointments and feelings of dissatisfaction. This, therefore, calls for attention to ensure that there is not only regional autonomy as it is already there but effective and strategic policies that support the realization of the aspirations of Indonesia’s welfare policy for all Indonesians.

Jurisdiction, the power and responsibility to manage the government and control the utilization of natural resources should be focused on ensuring the utmost well-being of the Papuan people. This is in accordance with Law No. 21 of 2001 on Special Autonomy for

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Papua Province, which became effective on January 1, 2002. This is premised on empirical evidence relating to political activities that intensified and evolved into a trend toward separatism from the Unitary State of the Republic of Indonesia. As a result, the Indonesian government tried to regain national cohesion and restore national integrity through special autonomy. The province of Papua has been granted special autonomy with a view to promoting justice, the supremacy of the law, respect for human rights, accelerating economic growth, enhancing social welfare, and advancing Papua's social standing so that it can develop at a rate that is comparable to that of other provinces.31 According to MPR Decree No. IV/1999 on the Broad Outlines of State Policy (GBHN) 1999-2004, the purpose of regional autonomy in Papua is to maintain national integration within the Indonesian unitary state, and to resolve human rights issues through honest and dignified trial processes. People in Papua at the time viewed the development efforts made by the Indonesian government as unsuccessful. One of the signs is the unrest surrounding integration in this area, which is supposedly being powered by a number of separatist organizations. The emergence of a sizable movement among the people of Papua as a region that obtains special attention from the Indonesian government is another sign that supports this evaluation. After the 1998 reform, Papua became the area with the highest level of unrest.32

Because regional expansion in the form of autonomy is not fully and substantially realized in Papua, indicators of education, health, and economic well-being in Papua still fall far short of expectations. According to an examination of the regional medium-term development strategy for Papua Province's strategic challenges, there are numerous issues with the economic, health, and education systems. The high rate of class repetition in education is a result of inadequate administration of education, restricted opportunities for formal early childhood education, and low school preparation of children for elementary school. Low nutritional status of mothers and children, especially those from low-income families, limited access to quality healthcare facilities, high rates of HIV/AIDS and tuberculosis cases, and poor health promotion and preventive approaches for the community, Community Clinic, and Village Clinic are all factors that affect people's health. In terms of economics, weak development of a local top resource with significant market potential on a national and international scale, and ineffective development of the people's economy to support family income based on indigenous people's rights.33

Since each region has autonomous rights, regional expansion is viewed as an instant solution to a variety of social issues. This will enhance community welfare by streamlining bureaucracy and allowing local parties to enjoy and manage local resources to their fullest potential. The government may utilize the abilities of the regions to the fullest extent, and formerly undeveloped areas are given high attention, particularly for the advancement of development at the village level. The incoming capital may also be directed to certain regions.34 Considering the development process in Papua in the aftermath of regional expansion unquestionably, the Indonesian government and other relevant parties have invested significant physical and human resources in accelerating development in Papua. For instance, road development was done in a number of locations to improve public access and fuel the economy across all of Papua. Each of these tasks is facilitated and expedited by a variety of parties and plans (such as public-private partnerships) in the development

33 Ibid at 29: 61-62
process.\textsuperscript{35} One can strongly argue that it is the initiation of regional expansion in the form of autonomy that fosters certain developments to a certain extent in Papua.

c. What are the legal opportunities in Realizing Regional Expansion?

Indonesia’s governance in practice is in the words of John Adams, a government of laws, not of men because it is based on the rule of law. That is, *rechtstaat* (rule of law) and not *machstaat* (rule of power) as articulated in Article 1 (3) of the Constitution of Indonesia 1945. Having established the concept of rule of law or supremacy of law as a prerequisite for good governance including the need or urgency to embrace regional expansion in the aftermath of the second amendment of the Constitution of Indonesia 1945, development of the provinces in Indonesia through regional expansion can be legitimately realized. This is due to the fact that it is a constitutional process.

Recent conflicts, especially those involving ethnic groups, have been mostly driven by desires for and hostility towards autonomy. Similar to this, a lot of disputes have been resolved by giving up some autonomy. In certain instances, the conflict's nature has shifted in response to an autonomy offer. In other situations, the parties have been able to reach a compromise by simply agreeing that autonomy should be considered.\textsuperscript{36} But in the midst of this strategic phase of development, it is extremely worried that a new development tendency that is indicative of the region will emerge in the current era of regional autonomy. On the whole, local governments prioritize economic growth over human development and are more interested in projects that would increase regional income than those that are profit oriented. If this keeps happening, the region will find it tough because it lacks sufficient human resources. Human resources are actually one of the deciding factors in the current period of globalization, which is focused on competition.\textsuperscript{37}

The reformation era introduces Article 18 in the constitution and is supported by existing legislations such as Law No. 23 of 2014. This constitutional framework gains important specifics from Regional Government Law No. 23 of 2014. This law makes it clear, for instance, that mayors, regents, and governors may issue regional regulations, regional head rules as needed to carry out local regulations or as mandated by law. Additionally, it identifies the specific areas that fall under the sole purview of the central government, including foreign affairs, monetary and fiscal policy, legal issues, defense and security, and religion. It also sets the relative jurisdictions of every level of government.\textsuperscript{38} This is explained in Article 10 of this law.

From the above description, it can be inferred that local governments must be mature in their strategy for carrying out local government budgets, which are focused on work program plans, in order to achieve lasting economic and social welfare for the community. As a result, it is essential to assist and oversee local governments as they prepare and carry out their budgets, the implementation of which is detailed in the local government finances statement each year. To interpret the statistics in the regional government financial statement and apply this information to evaluate the government’s achievement which seeks to improve the area,

\textsuperscript{35} Fadhli Zul Fauzi, David Erwin Mayor & Gasper Liauw, “The Direction of Papua Development: Is A New Autonomous Region the Answer?” *Policy & Governance Review* Vol. 1 No.7 (2022): 6


one’s endeavour is to evaluate the local government financial statement.\(^{39}\) To increase regional governments’ efficiency and accountability, performance in handling local finances is being measured. The aims and objectives of work programmes that were previously established through the regional government budget can help them better focus their efforts with the use of this performance measurement. Thus, it can improve institutional connection, realize public responsibility, and raise the effectiveness of delivering public services and distributing resources.

2. Laws on Regional Autonomy in Indonesia as a Tool of Social Engineering

This theory of Law as a tool of social engineering was propounded by Roscoe Pound; law is an instrument that can be used to change the narratives of a community and cause it to move in a particular direction. In attempting to establish a nexus between this theory and the issue of regional autonomy in Indonesia, Roscoe Pound proposes that law can be used to create peace, justice and order in society.\(^{40}\) The law is leading the charge for reform moving from the traditional to the contemporary. Law and jurisprudence, or a mixture of the two, may be utilized as a tool for reform, but the rule or supremacy of law is more important in Indonesia. The legislation that is created should be consistent with the fundamental principles of sociological jurisprudence, specifically that good law is law that lives in the community, because if it is not, its effects will not be productive and will present an obstacle.\(^{41}\) To put Pound’s theory in the context of contemporary applicability is to point out the benefits that follow regional autonomy.

From a philosophical perspective, regional growth serves three interests: enhancing public government services to the public, enhancing the welfare of local communities, and condensing the sphere of government control.\(^{42}\) The development, which has officially been ongoing since August 18, 1945, when the 1945 Constitution was adopted in the early days of the Indonesia Independence Day, pertains to regional autonomy regulation in the context of fulfilling the idea of regional autonomy. To be sure, the decisions made at the start of the government’s administration are affected by the arrangements made prior to Indonesia’s Independence Day, specifically those made during the Dutch and Japanese colonial periods. The trajectory of laws on regional autonomy after independence must thus be reviewed.

1974 Regulation No. 5 was still in effect. It was first replaced by Law Number 22 of 1999, regarding Regional Government, throughout the Reformation era. Five years thereafter, as waves of reformation spread across Indonesia, it was precisely transformed by Law Number 32 of 2004, concerning Regional Government. Law Number 12 of 2008, concerning Regional Government then followed it.\(^{43}\) In light of constant and inevitable social changes to which Indonesia is not an exception, Law No. 23 of 2014 was enacted and later animated by Law No. 9 of 2015. The achievements of the Indonesian political system, particularly in defining the connection between the central and regional governments, are hindered by a struggle between the desires for more flexible regional autonomy and the seriousness of the central government in granting authority as clearly spelled out in the constitution. The regional


\(^{43}\) Mansyur Achmad, Ratna Wati and Wahyu Tri Putranto, “The Dynamics of Regional Autonomy in Indonesia.” *Saudi Journal of Humanities and Social Sciences* Vol. 7 No. 5 (2022): 207
governments’ delegation of power to the national government alternates between centralized and decentralized structures. Prior to achieving elevated social welfare, regional autonomy as a framework of government that is anticipated to realize clean governance, enhance the standard of public services, and promote the emergence of a professional bureaucracy needs to be examined at the operational level.\textsuperscript{44}

The independence of locals to regulate and oversee their own interests, which are regional for the realization of welfare, is at the core of regional autonomy. There is an inherent value in autonomy, notably the value of democracy and self-reliance. Making autonomy requires not just upholding democracy but also fostering the growth of independent thought, self-direction, and collective self-interest. Therefore, democracy, or a government of, by, and for the people, is possible. People not only control their own fate, but actively work to improve it.\textsuperscript{45} The development of a nation cannot be separated from decentralization as a constitutional mechanism of governance. “Based on Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, it is stated in the law that the Central Government is the President of the Republic of Indonesia who holds the power of the state government of the Republic of Indonesia assisted by the Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia”.\textsuperscript{46} There is a claim that nearly all countries in the world desire autonomy, which is effectively the right to run one’s own “household” free from outside meddling and intrusion. When there is a propensity for foreign political and economic involvement, the state needs autonomy. But a nation's federal, state, provincial, and local administrations must also have autonomy.

With the minimal help of a unitary government, they expect or want something in terms of managing their resources to cater to local community needs, organize interests, and solve public issues.\textsuperscript{47} To mitigate the challenge caused by Law No. 23 of 2014, there should be review and amendment of this law to provide inclusivity of the regions as direct beneficiaries of the resources from their regions. This will help in regional development and by extent, national development.

C. Conclusion

The comprehensive state policy on regional autonomy in the aftermath of the reform agendas is designed not only to grant these regions the authority to govern themselves but also to help in ensuring that this governance approach helps in promoting economic development for all the people. However, the inefficiency of the proper implementation of these development policies in these regions persists for an outstanding period. This raises issues about the need to examine the laws applicable to this project as to whether they are tools of social engineering or tools of social control in this regard. To be precise, Law No. 23 of 2014 needs to be reviewed as its application falls short of the expectations of the people. To achieve this, national consensus on the subject where all the regions are engaged through their representatives with the central government to set out the extent to which the central government can have direct involvement in the internal affairs of these autonomous regions.


\textsuperscript{46} Article 1 (1) of Second Amendment to Law Number 23 of 2014 concerning Regional Government

This should be in the interest of national development with the intent to realize a welfare state.

The ideology of the welfare state theory which is key to regional autonomy in Indonesia is yet to be realized. Regional self-sufficiency is the long-term expectation of the central government by boosting regional productivity across the unitary state of Indonesia. Despite this intention at the initiation of this project, there is a regional growth gap. A large proportion of the country’s population still live in abject poverty. In Papua Province, the wealth of the region does not correlate to the level of human development there which leads to dissatisfaction on their part. It can, therefore, be deduced that accountability amongst bureaucrats in these regions must be at the centre of the development agenda. Each of these regions should have a strategic development plan geared towards achieving its visions. Institutional linkage and responsibilities are quite important in ensuring not only initiation of developments but also their long-term sustenance.

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