

## **EMPOWERING LOCAL GOVERNMENTS: REGIONAL AUTONOMY AS A CATALYST FOR GOOD GOVERNANCE IN INDONESIA**

**Dani Habibi**

Faculty of Law, Universitas Nahdlatul Ulama Surakarta, Jalan Dr. Wahidin 05/VI, Surakarta,  
Central Java 57141, Indonesia  
**Email:** habibidani54@gmail.com

### ***Abstract***

*Regional autonomy reform in Indonesia is a key initiative aimed at enhancing governance by ensuring greater transparency, accountability, and efficiency in local government operations. By decentralizing authority, local governments gain the freedom to manage regional affairs and develop policies that are more closely aligned with their communities' needs. The ultimate goal of regional autonomy is to improve community welfare by enabling regions to design and implement targeted solutions. However, the process faces several challenges, including disparities in regional development, ineffective resource management, and insufficient coordination between the central and local governments. Addressing these issues requires a transformation in community attitudes, improved government capacity, and enhanced public participation in decision-making. The successful implementation of regional autonomy depends on effective policy reform and better management practices, alongside active involvement from the community. Local wisdom should be integrated into development strategies, ensuring that policies respect and preserve cultural diversity while promoting sustainable growth. Additionally, strengthening oversight mechanisms, improving transparency in budget management, and fostering intergovernmental cooperation are crucial for achieving equitable development outcomes. Regional autonomy reform holds significant potential for creating a more responsive government that better serves its people. However, to unlock this potential, it is essential to build the capacities of local governments, ensure effective supervision, and encourage inclusive decision-making processes. This approach will contribute to the realization of sustainable development goals, fostering a more just, accountable, and efficient governance system.*

**Keywords:** *Regional Autonomy; Government Accountability; Decentralization; Good Governance; Sustainable Development.*

### **A. Introduction**

Indonesia, formerly known as the Archipelago State, has distinct characteristics, including a diverse ethnic, cultural, and linguistic background, which make it a pluralistic nation unlike other countries with different geographical structures.<sup>1</sup> The cultural, linguistic, and ethnic diversity of

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<sup>1</sup> Saldi Isra et al., 'Asymmetry in a Decentralized, Unitary State: Lessons from the Special Regions of Indonesia', *Journal on Ethnopolitics and Minority Issues in Europe* 18, no. 2 (2019): 43–71, <https://www.proquest.com/scholarly-journals/asymmetry-decentralized-unitary-state-lessons/docview/2265615193/se-2>; David Henley, 'Indonesia', in *The Wiley Blackwell Encyclopedia of Race, Ethnicity, and Nationalism* (2015), <https://doi.org/10.1002/9781118663202.wberen460>; I. D. G. Palguna and Bisariyadi, 'Indonesia's Diversity: A Brief Constitutional Perspective', in *Courts and Diversity: Twenty Years of the Constitutional Court of Indonesia* (Brill | Nijhoff, 2024), [https://doi.org/10.1163/9789004691698\\_003](https://doi.org/10.1163/9789004691698_003).

Indonesia is vital to preserving its identity as a nation and addressing the challenges it faces.<sup>2</sup> The founding father, Mohammad Hatta, believed that Indonesia should adopt a federal system rather than a unitary state to prevent national disintegration and promote effective development.<sup>3</sup> Therefore, the Indonesian government and society must prioritize national identity and unity while maintaining diversity.

The concept of a unitary state adopted by Indonesia does not refer to a centralized state in terms of territorial division. In political science, a centralized state is one where a dominant central government makes decisions and regulates all aspects of life within its territory, with regions having limited power and being highly dependent on central decisions.<sup>4</sup>

In contrast, the unitary state concept adopted by Indonesia recognizes and respects the existence of regions through a system of regional autonomy.<sup>5</sup> While the central government retains greater power to regulate and make key decisions, regions are granted the authority to govern and manage themselves, including decision-making and resource management. Under this system, the central government allows regions the freedom to regulate and manage resources within their areas, including finance and taxation. This approach acknowledges the diversity within each region and grants them the appropriate authority.<sup>6</sup>

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<sup>2</sup> Jagad Aditya Dewantara et al., 'Language, Cultural Sentiments, and Ethnic Conflict: Understanding Verbal Violence and Discrimination in Multi-Ethnic Schools in West Kalimantan, Indonesia', *Journal of Language, Identity & Education*, 11 October 2024, 1–17, <https://doi.org/10.1080/15348458.2024.2408451>; Reimar Schefold, 'The Domestication of Culture; Nation-Building and Ethnic Diversity in Indonesia', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* (Leiden, The Netherlands) 154, no. 2 (1998): 259–80, <https://doi.org/10.1163/22134379-90003898>.

<sup>3</sup> Adam Schwarz, *A Nation in Waiting: Indonesia's Search for Stability* (Routledge, 2018); Triwahyuningsih et al., 'Asymmetric Decentralization in a Unitary State: Lessons from Pattani, Thailand', *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 897–921, <https://doi.org/10.53955/jhcls.v5i3.602>; Amitav Acharya, *Indonesia Matters: Asia's Emerging Democratic Power*, vol. 1 (World Scientific, 2014).

<sup>4</sup> Simon Butt, 'Provincial Asymmetry in Indonesia: What Is so "Special" About It? A Country Study of Constitutional Asymmetry in Indonesia', in *Constitutional Asymmetry in Multinational Federalism: Managing Multinationalism in Multi-Tiered Systems*, ed. Patricia Popelier and Maja Sahadžić (Springer International Publishing, 2019), [https://doi.org/10.1007/978-3-030-11701-6\\_9](https://doi.org/10.1007/978-3-030-11701-6_9); Anne Booth, 'Can Indonesia Survive as a Unitary State?', *Indonesia Circle. School of Oriental & African Studies. Newsletter* 20, no. 58 (1992): 32–47, <https://doi.org/10.1080/03062849208729784>; Damien Kingsbury, 'Indonesia: Arbitrary Polity, Unitary State', in *Routledge Handbook of Regionalism & Federalism* (Routledge, 2013).

<sup>5</sup> Miftah Faried Hadinatha, 'Pemerintah Pusat Dan Daerah: Pengadopsian Negara Kesatuan Dengan Sistem Desentralisasi Yang Desentralistik', *Jurnal Konstitusi* 22, no. 3 (2025): 436–58, <https://doi.org/10.31078/jk2232>; Anwar Nasution, 'The Government Decentralization Program in Indonesia', in *Central and Local Government Relations in Asia* (Edward Elgar Publishing, 2017), <https://doi.org/10.4337/9781786436870.00017>.

<sup>6</sup> James Alm et al., 'Can Indonesia Decentralise Successfully? Plans, Problems and Prospects', *Bulletin of Indonesian Economic Studies* 37, no. 1 (2001): 83–102, <https://doi.org/10.1080/000749101300046537>; Muhammad Mukhlis et al., 'Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism or Republic Model', *Malaysian Journal of Syariah and Law* 13, no. 1 (2025): 35–57, <https://doi.org/10.33102/mjssl.vol13no1.760>.

The governance process must focus on a single governing body within a region. This is explicitly stated in Article 18 of the original 1945 Constitution of the Republic of Indonesia, which outlines that Indonesia is divided into large and small regions, implicitly suggesting that the unitary state formulated by the founding fathers adheres to the principle of decentralization.<sup>7</sup>

The principle of decentralization applied in Indonesia grants local communities the rights and responsibilities to manage and govern their own regions. In this context, regional autonomy is regulated by laws that provide local governments with the authority to manage the community's interests within their regions.<sup>8</sup> Regional autonomy allows local governments to create policies and programs that are better suited to local needs and conditions, improving the quality of life for the community and accelerating regional development. However, granting regional autonomy must also consider the principle of national unity to ensure that it does not jeopardize national integrity and security. In practice, the effective implementation of regional autonomy requires coordination between the central and local governments, as well as among regional government agencies. This is crucial to ensure the successful and efficient implementation of regional autonomy, ultimately benefiting the community as a whole.<sup>9</sup>

The reform era in 1998 resulted in amendments to the 1945 Constitution of the Republic of Indonesia, one of which pertained to regional government.<sup>10</sup> The amendment granted regional governments greater authority to regulate government affairs within their regions. However, the implementation of regional autonomy did not proceed smoothly or perfectly, particularly in its early stages. Issues that arose included the abuse of power and authority by local government

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<sup>7</sup> Dennis Shoesmith et al., 'Decentralised Governance in Indonesia's Disadvantaged Regions: A Critique of the Underperforming Model of Local Governance in Eastern Indonesia', *Journal of Current Southeast Asian Affairs* 39, no. 3 (2020): 359–80, <https://doi.org/10.1177/1868103420963140>; Stefani Nugroho, *The Divergent Nation of Indonesia: Heterogeneous Imaginings in Jakarta, Kupang, and Banda Aceh* (Springer, 2020).

<sup>8</sup> Nick Devas, 'Indonesia: What Do We Mean by Decentralization?', *Public Administration and Development: The International Journal of Management Research and Practice* 17, no. 3 (1997): 351–67, [https://doi.org/10.1002/\(SICI\)1099-162X\(199708\)17:3%253C351::AID-PAD955%253E3.0.CO;2-J](https://doi.org/10.1002/(SICI)1099-162X(199708)17:3%253C351::AID-PAD955%253E3.0.CO;2-J); Christopher Silver, 'Do the Donors Have It Right? Decentralization and Changing Local Governance in Indonesia', *The Annals of Regional Science* 37, no. 3 (2003): 421–34, <https://doi.org/10.1007/s00168-003-0162-9>.

<sup>9</sup> Tessa Talitha et al., 'Welcoming Two Decades of Decentralization in Indonesia: A Regional Development Perspective', *Territory, Politics, Governance* 8, no. 5 (2020): 690–708, <https://doi.org/10.1080/21622671.2019.1601595>; Tommy Firman, 'Decentralization Reform and Local-Government Proliferation in Indonesia: Towards a Fragmentation of Regional Development', *Review of Urban & Regional Development Studies* 21, nos 2–3 (2009): 143–57, <https://doi.org/10.1111/j.1467-940X.2010.00165.x>.

<sup>10</sup> Pan Mohamad Faiz et al., 'Strengthening Indonesia's Regional Representative Council Through Judicial Review by the Constitutional Court', *Sage Open* 13, no. 4 (2023): 21582440231204408, <https://doi.org/10.1177/21582440231204408>; Iwan Satriawan and Khairil Azmin Mokhtar, 'The Role of Indonesian Constitutional Court in Resolving Disputes among the State Organs', *Hasanuddin Law Review* 5, no. 2 (2025): 159–79, <https://doi.org/10.20956/halrev.v5i2.1669>.

officials, the inability of regions to effectively manage budgets and resources, and the lack of uniformity in regulations across different regions.<sup>11</sup>

The government's efforts to address the challenges in implementing regional autonomy in Indonesia began with the passing of Law No. 23 of 2014 on Regional Government. This law marked a significant step toward more efficient and effective governance at the regional level. It outlines the authority and duties of local governments, the division of government functions between central and regional governments, and the procedures for decision-making within regional governments. With this regulation, it is hoped that regions will have the flexibility to manage resources and design policies that better meet the needs of local communities.<sup>12</sup>

However, despite the intention behind Law No. 23 of 2014 to enhance the effectiveness of regional government, several criticisms and ambiguities have arisen during its implementation. One of the major criticisms is the lack of transparency in the drafting of derivative regulations. The process of creating and implementing regulations, which are meant to elaborate on policies in more detail, often does not adequately involve the public or relevant stakeholders. As a result, these policies are sometimes ineffective or fail to align with the expectations of the community.<sup>13</sup>

Additionally, the limited authority of regions to regulate natural resources has been highlighted. While regional autonomy grants local governments greater control over resource management, there are still significant restrictions on the management of natural resources, which remain largely under the control of the central government. Local natural resources often hold great potential to boost local economies, but centralized regulation makes it difficult for regional governments to fully capitalize on this potential. This limitation frequently leads to dissatisfaction,

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<sup>11</sup> Gary F. Bell, 'Indonesia: The Regional Autonomy Laws, Two Years Later', in *Southeast Asian Affairs 2003*, Southeast Asian Affairs (ISEAS–Yusof Ishak Institute, 2003), Cambridge Core, <https://www.cambridge.org/core/product/B110B86318965A19893139672FD76AE8>; Simon Butt, 'Regional Autonomy and Legal Disorder: The Proliferation of Local Laws in Indonesia', *Singapore Journal of Legal Studies* (Singapore), 1 July 2010, 1–21, <https://search.informit.org/doi/10.3316/informit.407299100347014>.

<sup>12</sup> Hariyanto Hariyanto et al., 'Legal Ambiguities Surrounding the Role of Regional House of Representatives in Indonesia's Regional Autonomy Framework', *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 334–60, <https://doi.org/10.22219/ljih.v33i2.38409>; Kai Ostwald et al., 'Indonesia's Decentralization Experiment: Motivations, Successes, and Unintended Consequences', *Journal of Southeast Asian Economies* 33, no. 2 (2016): 139–56, <https://doi.org/10.1355/ae33-2b>.

<sup>13</sup> Sri Wahyu Kridasakti et al., 'The Legitimacy Crisis of Customary Villages Under Indonesia's Village Law', *Sriwijaya Law Review* 9, no. 2 (2025): 432–56, <https://doi.org/10.28946/slrev.v9i2.3998>; Muhammad Natsir, 'Analisis Otonomi Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah', *Jurnal Hukum Dan Sosial Politik* 3, no. 1 (2025): 141–62, <https://doi.org/10.59581/jhsp-widyakarya.v3i1.4718>.

as local governments feel disempowered in managing and utilizing natural resources for the benefit of their communities.<sup>14</sup>

Another criticism is the lack of coordination between the central and regional governments. Effective regional autonomy requires strong collaboration between both levels of government to ensure that policies run smoothly and align with shared objectives.<sup>15</sup> However, there is often a lack of cohesion in policy-making, which impedes regional development. The unclear division of authority and responsibilities between the central and regional governments can result in overlapping policies, creating inefficiency and confusion in their implementation. This failure to coordinate also leads to development disparities across regions, ultimately affecting the welfare of the community.

To improve the implementation of regional autonomy, continuous evaluation and improvement must be prioritized. One approach is to increase transparency in the policy-making process and the formulation of derivative regulations, ensuring that the community and other stakeholders are involved at every stage. Additionally, providing regions with greater authority in managing natural resources should be considered to allow for more flexibility in utilizing local potential. The central government must also improve coordination and communication with regional governments to ensure that policies are aligned with the goals of sustainable national development.

As such, the concept of regional autonomy reform, as part of good governance in Indonesia, is becoming increasingly important.<sup>16</sup> Good governance in this context encompasses four main pillars: transparency, accountability, community participation, and government responsibility. The renewal of regional autonomy should not only focus on granting more authority to regions but also on upholding these principles to create a transparent, efficient, and accountable government. To achieve this, ongoing reforms in political law and legislation governing regional government are

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<sup>14</sup> Syamsul Rijal et al., 'Restoration of Central Power or Betrayal of Regional Autonomy? Analysis of the Impact of Recentralization of Mining Authority in the Era of Limited Autonomy', *Journal of Law and Legal Reform* 5, no. 4 (2024): 1793–820, <https://doi.org/10.15294/jllr.v5i4.14466>; Noore Alam Siddiquee et al., 'Regional Autonomy and Local Resource Mobilization in Eastern Indonesia: Problems and Pitfalls of Fiscal Decentralization', *Asian Affairs: An American Review* 39, no. 1 (2012): 44–68, <https://doi.org/10.1080/00927678.2012.649636>.

<sup>15</sup> Christopher Bjork, 'Local Responses to Decentralization Policy in Indonesia', *Comparative Education Review* 47, no. 2 (2003): 184–216, <https://doi.org/10.1086/376540>; Randall Crane, 'The Practice of Regional Development in Indonesia: Resolving Central-Local Coordination Issues in Planning and Finance', *Public Administration and Development* 15, no. 2 (1995): 139–49, <https://doi.org/10.1002/pad.4230150205>.

<sup>16</sup> Gabriel Lele, 'Asymmetric Decentralization and the Problem of Governance: The Case of Indonesia', *Asian Politics & Policy* 11, no. 4 (2019): 544–65, <https://doi.org/10.1111/aspp.12493>; Roy Marthen Moonti, 'Regional Autonomy in Realizing Good Governance', *Substantive Justice International Journal of Law* 2, no. 1 (2019): 43–53, <https://doi.org/10.33096/substantivejustice.v2i1.31>.

necessary to ensure that the principles of good governance are realized and that the benefits are felt by communities across Indonesia.

## **B. The Dynamics of Regional Autonomy and Legal Politics of Local Government Regulations in Indonesia**

The spirit of democracy that emerged from Indonesia's democratic system is reflected in the 1945 Constitution of the Republic of Indonesia and the regulations governing life in Indonesia.<sup>17</sup> Article 18 of the 1945 Constitution of the Republic of Indonesia grants regions the authority to regulate and manage their territories in accordance with the needs of their communities.<sup>18</sup> To realize the concept of regional autonomy as stipulated in the 1945 Constitution of the Republic of Indonesia, the principles of decentralization and autonomy must be properly implemented. Decentralization aims to transfer power from the center to the regions, enabling them to be more independent in making decisions that serve their own interests.<sup>19</sup>

Law No. 1 of 1945 concerning the position of the Regional National Committee was the first law enacted in Indonesia's legislative history after independence. This law is one of the mechanisms for implementing Article 18 of the 1945 Constitution of the Republic of Indonesia, which grants regions the authority to regulate and manage their own territories.<sup>20</sup> The Regional National Committee is a democratic institution based in the regions and tasked with assisting the central government in regulating and administering regions in Indonesia. However, the implementation of regional autonomy through the Regional National Committee has not been optimal due to various obstacles and challenges, including a shortage of qualified human resources and limited financial support from the central government. Therefore, to improve the

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<sup>17</sup> Muhammad Fauzan and Riris Ardhanariswai, 'Asymmetric Decentralization with Selective Broad Autonomy in the State Administration System', *Corporate Law and Governance Review* 5, no. 2 (2023): 8–18, <https://doi.org/10.22495/clgrv5i2p1>.

<sup>18</sup> Hezron Sabar Rotua Tinambunan et al., 'Recentralization of Mining Licensing Authority and Its Impact on Local Autonomy in Indonesia', *Jurnal Suara Hukum* 7, no. 2 (2025): 520–39, <https://doi.org/10.26740/jsh.v7n2.p520-539>; Melissa Crouch, 'The Limits of Transformational Authoritarian Constitutions', in *Constitutional Democracy in Indonesia* (Oxford University Press, 2022).

<sup>19</sup> Adissya Mega Christia and Budi Ispriyarso, 'Desentralisasi Fiskal Dan Otonomi Daerah Di Indonesia', *Law Reform: Jurnal Pembaharuan Hukum* 15, no. 1 (2019): 149–63, <https://doi.org/10.14710/lr.v15i1.23360>; Firman, 'Decentralization Reform and Local-Government Proliferation in Indonesia: Towards a Fragmentation of Regional Development'.

<sup>20</sup> Asep Bambang Hermanto and Anggara Suwahju, 'The Characters of Special Region According to The 1945 Constitution of Republic of Indonesia', *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 6, no. 2 (2019): 320–39, <https://doi.org/10.22304/pjih.v6n2.a6>; Iin Sumirat et al., 'Constitutional Framework for Mining Regulation: Regional Autonomy and State Authority', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 2 (2025): 415–29, <https://doi.org/10.24090/volksgeist.v8i2.12616>; Ismet Fanany, 'The First Year of Local Autonomy: The Case of West Sumatra', in *Autonomy & Disintegration Indonesia* (Routledge, 2012).

implementation of regional autonomy in Indonesia, there is a need for sustainable, comprehensive policy reforms, including strengthening human resources and allocating sufficient budgets to the regions.

Law No. 22 of 1948 demonstrates the spirit of expanding regional autonomy by applying the principles of material and formal autonomy simultaneously. This law contains provisions on matters delegated to the regions in material terms, as stipulated in Article 23(2), and restrictions on the authority of regional representative councils to enact certain local regulations that have already been regulated by higher levels of government, as stipulated in Article 28. This shows that the government at that time sought to give the regions broader authority to regulate their local affairs.<sup>21</sup>

Law No. 1 of 1957 also emphasized the importance of the principle of regional autonomy, granting regions the authority to regulate and manage their own regional affairs. This is reflected in Article 2, which states that regions have broad autonomy to regulate and manage their own regional government affairs and interests, in accordance with applicable laws and regulations. This Law also regulates the division of affairs between the central government and regional governments, as well as the working mechanisms between regional governments and Regional Representative Councils. Several factors that influenced the implementation of regional autonomy at that time included the continued strong centralization of power, the shortage of human resources in the regions, and the central government's limited budget allocation and technical support. During the guided democracy period, the government sought to centralize power by curtailing local governments' decision-making authority.

In reality, the government system at the time still implemented broad autonomy, which was a significant breakthrough in regional governance. Still, all authority remained regulated and controlled by the center to supervise the government's operations. This can be seen in the authority granted to regional heads to suspend decisions made by the Regional Representative Council, rendering this institution practically irrelevant.

Following the advent of the Pancasila Democracy (New Order) era under the Soeharto administration, the principles of decentralization and regional autonomy were reformulated in the People's Consultative Assembly Decree No. XXI/MPRS/1966 on Full Autonomy for Regions,

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<sup>21</sup> John F. McCarthy, 'Changing to Gray: Decentralization and the Emergence of Volatile Socio-Legal Configurations in Central Kalimantan, Indonesia', *World Development* 32, no. 7 (2004): 1199–223, <https://doi.org/10.1016/j.worlddev.2004.02.002>; Vedi R. Hadiz, 'Decentralization and Democracy in Indonesia: A Critique of Neo-Institutionalist Perspectives', *Development and Change* 35, no. 4 (2004): 697–718, <https://doi.org/10.1111/j.0012-155X.2004.00376.x>; Fanany, 'The First Year of Local Autonomy: The Case of West Sumatra'.

issued on July 5, 1966, gave regions greater freedom to manage their own affairs. This shows that during the New Order, the government began to recognize the importance of regional autonomy and gave regions the freedom to manage their own governments. The law also gave the president considerable authority to appoint regional heads and establish new autonomous regions, thereby reducing the autonomy actually exercised by the regions. In addition, granting the Minister of Home Affairs authority to supervise regional governments also affected the practice of regional autonomy actually exercised by the regions.

A major change in the concept of regional government occurred during the Reformation era with the revival of decentralization and regional autonomy, driven by the People's Consultative Assembly Decree No. XV/MPR/1998, which regulated the decentralization policy. This was followed by the enactment of Law No. 22 of 1999 on Regional Government and Law No. 25 of 1999 on the Financial Balance between the Central and Regional Governments.<sup>22</sup> These two laws provided regions with a broader scope to manage their own administration and finances. Additionally, the People's Consultative Assembly Decree No. IV/MPR/2000 offered recommendations on operational policies for implementing regional autonomy. Special autonomy was also granted to the provinces of Nanggroe Aceh Darussalam and Papua.<sup>23</sup> All of these changes demonstrate the government's commitment to enhancing regional empowerment and providing greater opportunities for community participation in the decision-making process.

Moreover, this new law also grants regions greater authority over finances and public services, alongside an expanded role for the community and the private sector in regional decision-making. This aligns with the spirit of regional autonomy promoted since the reform era. However, several challenges persist in implementing this law, including the division of authority between the central and regional governments, ensuring equitable development across regions, and increasing community participation and transparency in regional decision-making.<sup>24</sup> As a result,

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<sup>22</sup> Achmad Zein et al., 'The Analysis of Regional Autonomy Implementation in Indonesia: Based on the Ruling Government Paradigm', *Journal of Political Science and International Relations* 5, no. 4 (2022): 153–63, <https://doi.org/10.11648/j.jpsir.20220504.18>; Christopher M. Barr et al., *Decentralization of Forest Administration in Indonesia: Implications for Forest Sustainability, Economic Development, and Community Livelihoods* (Center for International Forestry Research (CIFOR), 2006).

<sup>23</sup> Michelle Ann Miller, *Rebellion and Reform in Indonesia: Jakarta's Security and Autonomy Policies in Aceh* (Routledge, 2008); Jacques Bertrand, 'Indonesia: "Special Autonomy" for Aceh and Papua', in *Territory and Power in Constitutional Transitions*, ed. George Anderson and Sujit Choudhry (Oxford University Press, 2019), <https://doi.org/10.1093/oso/9780198836544.003.0007>; Jacques Bertrand, ed., 'Aceh: From Violent Insurgency to Broad-Based Autonomy', in *Democracy and Nationalism in Southeast Asia: From Secessionist Mobilization to Conflict Resolution* (Cambridge University Press, 2021), Cambridge Core, <https://doi.org/10.1017/9781108868082.004>.

<sup>24</sup> Benjamin Smith, 'The Origins of Regional Autonomy in Indonesia: Experts and the Marketing of Political Interests', *Journal of East Asian Studies* 8, no. 2 (2008): 211–34, Cambridge Core, <https://doi.org/10.1017/S1598240800005300>; Syaikh Usman, *Regional Autonomy in Indonesia: Field*

the government and the House of Representatives continue to assess and improve the implementation of this law to maximize its benefits for the community and regional development in Indonesia.

The fundamental difference between Law No. 32 of 2004 and Law No. 23 of 2014 lies in the clearer and more detailed division of government affairs in the latter. Under Law No. 23 of 2014, government affairs are classified into three categories: central government affairs, mandatory regional government affairs, and optional regional government affairs.<sup>25</sup> Central government affairs involve matters that are exclusively the authority of the central government or cannot be delegated to the regions. Meanwhile, mandatory regional government affairs are matters that regional governments must handle within their territories, such as health, education, and transportation. Optional regional government affairs, on the other hand, include activities undertaken by regional governments based on regional needs and potential, such as culture and tourism. This clearer division of affairs aims to create more organized, measurable frameworks for implementing government tasks in regions, while preventing overlap or conflicts of authority between the central and regional governments.

Additionally, another notable difference between the two laws concerns the role and function of the Regional Representative Council. Under Law No. 32 of 2004, the Regional Representative Council only had a legislative function, responsible for creating regional regulations. However, Law No. 23 of 2014 expands its role, allowing the council to also supervise regional administration, formulate regional regulations and budgets, and participate in the election of regional heads, determination of general regional policies, and hearings with regional heads. With these broader roles and responsibilities, it is hoped that the Regional Representative Council will be more effective in carrying out its duties as the representative of the people in regional government.<sup>26</sup>

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*Experiences and Emerging Challenges* (SMERU Research Institute, 2002), <https://smeru.or.id/en/publication/regional-autonomy-indonesia-field-experiences-and-emerging-challenges>.

<sup>25</sup> Dewi Nawang Wulan et al., 'Limitation of Authority Between Central and Local Governments in the Oil and Gas Business', *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 6, no. 1 (2024): 1–15, <https://doi.org/10.37631/widyapranata.v6i1.1315>; Mukhlis et al., 'Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism or Republic Model'.

<sup>26</sup> Hariyanto et al., 'Legal Ambiguities Surrounding the Role of Regional House of Representatives in Indonesia's Regional Autonomy Framework'.

### **C. Regional Autonomy: Realizing Sustainable Development and Community Welfare Through Wise Resource Management**

Regional autonomy is a concept in which regions in Indonesia are granted the authority to regulate and manage government and development affairs within their respective areas.<sup>27</sup> The goal is to give regions the freedom to manage their potential and resources, while accelerating development through the creation of policies that are more relevant and tailored to local conditions. Regional autonomy allows each region to become more independent in managing its affairs, while still operating within the framework of a unitary state, which coordinates and sets policies from the central government. At the provincial, regency/city, and village levels, local governments have the authority to manage resources and implement development programs aimed at improving the welfare of their people.

However, achieving effective and sustainable regional autonomy presents several challenges, such as managing natural resources, addressing regional development disparities, and ensuring that central government oversight supports regional policy implementation. Local governments must make efficient use of existing resources and design policies that improve the community's quality of life. In this context, active community participation is crucial, as development should not be based solely on government decisions but also on the needs and aspirations of the communities directly involved in the process.<sup>28</sup>

To achieve these goals, changes in the community's attitudes, mindsets, and behaviors are essential. The community must be empowered with the awareness and knowledge necessary to manage existing resources wisely. One critical aspect of resource management, based on local wisdom, is understanding the importance of sustainability in development. Local wisdom refers to knowledge that has developed and been tested in each region, related to the management of nature and culture. Strengthening the understanding of local values is essential in shaping development policies and programs that align with each region's potential and characteristics. Communities involved in this process will find it easier to understand and support existing policies, as well as to take an active role in preserving and using resources sustainably.

However, local governments cannot fulfill their duties independently without the support of the central government. The central government continues to play an important role in ensuring

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<sup>27</sup> Abdul Rahman Sabara, 'Regional Autonomy in the Political System and Authority in Indonesia', *Diponegoro Law Review* 7, no. 2 (2022): 296–311, <https://doi.org/10.14710/dilrev.7.2.2022.296-311>; Butt, 'Regional Autonomy and Legal Disorder: The Proliferation of Local Laws in Indonesia'.

<sup>28</sup> Hariyanto et al., 'Legal Ambiguities Surrounding the Role of Regional House of Representatives in Indonesia's Regional Autonomy Framework'; Mukhlis et al., 'Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism or Republic Model'.

that regional autonomy does not result in harmful inequalities. This support includes not only the allocation of funds for development but also policies that empower local governments to enhance their capacity and performance. In some cases, coordination between central and local governments must be improved to create harmonized policies, especially in infrastructure development, natural resource management, and creating equitable economic opportunities.

The primary challenge in implementing regional autonomy is the uneven management across regions. Some areas have abundant potential, both in natural and human resources, while others may still lack the necessary infrastructure and resources to accelerate development. This inequality is one of the reasons why coordination between the central and regional governments is vital. Central government policies must create space for innovation and regional resource management, while also addressing the gap between rapidly developing regions and those that are more disadvantaged.

Regional heads, including governors, mayors, and regents, play a critical role in managing regional government. They have the authority to make decisions, formulate policies, and implement development programs that align with the needs of the local community. As leaders, they are responsible for ensuring that every policy has a positive impact on the community and improves their quality of life. In addition, regional heads must foster strong relationships with various parties, including the community, the private sector, and other government agencies, to ensure the successful implementation of policies and regional development.

It is also important to note that regional heads do not work alone in fulfilling their duties. They are supported by staff members, each with specific roles and responsibilities to aid in the implementation of policies. The performance of the regional government apparatus is crucial to the success of the policies. Strengthening the capacity of the regional apparatus is key to ensuring more effective policy implementation. This can be achieved through education and training that is tailored to the needs and demands of the tasks at hand.

The regional legislative body, the Regional Representative Council, also plays an equally important role. The Regional Representative Council is responsible for drafting and enacting regional regulations that form the legal basis for regional administration. Additionally, the council has a supervisory function over the performance of the regional government. Thus, the success of regional autonomy depends not only on the executive branch but also on how effectively the legislature can oversee existing policies, offer constructive feedback, and ensure that policies align

with the community's needs.<sup>29</sup> As the representative of the people, the Regional Representative Council must advocate for the community's interests, ensuring that policies benefit the people as a whole, rather than just select groups.

Moreover, continuous evaluation of regional autonomy implementation is necessary to ensure that policies genuinely benefit the community. This evaluation can be carried out by the central government or by independent institutions capable of assessing the success of development programs. If issues arise during policy implementation, local governments must promptly take corrective action.

Strong oversight mechanisms must also be established at every stage of policy implementation. The purpose of oversight is to identify potential irregularities that could harm the state and society, such as abuse of authority, corruption, or budget mismanagement. Effective oversight will prevent harmful practices and ensure that development genuinely serves the interests of the community.

Regional autonomy gives local governments greater authority to manage their regions and design policies that meet the needs of the community. However, this autonomy must be accompanied by significant responsibility to ensure that every policy delivers maximum benefits. This can only be achieved through strong cooperation among local governments, communities, the private sector, and legislative institutions. In this way, regional autonomy can serve as an effective tool for realizing sustainable development, transparent governance, and improving the overall welfare of the community.

#### **D. The Nine Forms of Legal Violations in Government, according to Felix A. Nigro: Impact and Challenges for State Governance**

In general, government violations of the law often become major problems that significantly affect the quality of governance and public trust. The government, which is supposed to be an institution that carries out state functions for the welfare of the people, sometimes fails to carry out its duties properly and often commits legal violations. Felix A. Nigro<sup>30</sup>, an expert in public administration, identified nine forms of government misconduct. These violations not only affect legal matters but also the country's social, political, and economic stability. When these violations occur, they not only undermine the integrity of the government but also erode people's trust in the

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<sup>29</sup> Bambang Panji Gunawan et al., 'Performing Legislative Functions: The Role of Regional Representative Council and People's Representative Council', *Yuris: Journal of Court and Justice* 2, no. 1 (2023): 17–25, <https://doi.org/10.56943/jcj.v2i1.224>.

<sup>30</sup> Felix A. Nigro, *Modern Public Administration* (Harper & Row, 1970).

state. Therefore, it is important to understand these nine forms of violations to prevent further damage to governance.

The first violation identified by Felix A. Nigro is dishonesty. Dishonesty in the context of government refers to behavior in which public officials or government apparatus act dishonestly, whether in the management of the state budget, the procurement of goods and services, or in policy-making. This dishonesty is often accompanied by data manipulation or misuse of information for personal or group interests. For example, when an official misuses the state budget for personal or group interests, or provides false information to the public about government policies. Such actions not only violate the law but also severely undermine public trust in government and public institutions. Dishonesty can lead to corrupt practices that undermine government integrity, harm people, and exacerbate social inequality. Corruption that flourishes from dishonesty in government can damage the system of government itself.

In addition to dishonesty, the second violation is unethical behavior. In government, ethical behavior is essential because it prioritizes the public interest and avoids actions that harm the community. Sins in government can take the form of practices such as nepotism, collusion, or corruption. Nepotism occurs when government officials give jobs or projects to family or close friends without a fair selection process, solely because of personal relationships. Collusion also occurs when two or more parties work together to gain personal gain through illegal or unethical means, such as in the awarding of government projects. Practices such as these not only harm the community but also undermine the moral values that the government should uphold. Unethical behavior by government officials can lead to wider injustice, causing social inequality and hindering community development. When unethical behavior becomes ingrained in government culture, the community will increasingly lose trust in government institutions and the existing system.

The third violation is overriding the law. When the government or state officials act as if they are above the law, they violate the basic principle of the rule of law: no one is above the law. Overriding the law can take many forms, such as making policies that are not in accordance with applicable laws or even condoning illegal actions committed by certain individuals or groups within the government. For example, when government officials make policies that contradict higher regulations or violate the basic rights of the people. In some cases, this violation can take the form of condoning criminal acts committed by government officials that should be prosecuted. Such violations can create injustice and legal uncertainty, and undermine the existing judicial

system. In addition, setting aside the law can create opportunities for abuse of power and human rights violations, ultimately harming the wider community.

The fourth is unfair treatment of employees. In government, civil servants and state officials play an important role in carrying out government functions and providing public services. Therefore, the government needs to treat all employees fairly and equally. However, unfair treatment of employees is common, including discrimination in promotion, task assignments, and compensation. These actions harm competent employees and reduce their morale. In addition, unfair treatment can create an unhealthy, unproductive work environment, where employees feel pressured and unappreciated. Injustice towards employees can take many forms, such as neglecting employee rights, delaying salary increases, or placing employees in positions that do not match their competencies. In the long run, this can degrade the quality of public services and worsen the government's overall performance.

The fifth violation is the violation of legal procedures (a procedural due process violation). Legal procedures applicable to the government must be carried out transparently and fairly to protect individual rights and ensure that government decisions do not unfairly harm certain parties. However, violations of these legal procedures are common, such as disregard for individual rights in legal or administrative processes or non-compliance with established procedures. For example, when the government makes decisions without allowing affected parties to defend themselves, or when it fails to follow existing procedures in making important decisions. Violations of these legal procedures undermine public trust in the legal system and government and create injustice in the administrative process. This can also leave the public feeling unprotected by the law and the government, ultimately leading to social and political instability.

Sixth, a frequent violation is failure to cooperate with the legislature (failure to respect legislative intent). The government and the legislature must work together to formulate policies that favor the people. However, the government often ignores legislative intent or fails to respect the legislature's role in the policy-making process. This can happen when the government prioritizes political or personal interests over the public interest, thereby damaging the relationship between the executive and the legislature. Indifference toward the legislature's role can result in policies that fail to meet public expectations or even contradict the needs of the people. For example, the government may make policies that ignore the aspirations of the people represented by the legislature, or intervene in legislative matters that should be independent. When the relationship between the government and the legislature is not harmonious, the democratic system

of government is threatened, and the resulting policies may be ineffective or even harmful to the people.

The seventh violation is wasteful use of resources (gross inefficiency). One of the government's main tasks is to manage state resources efficiently for the benefit of the people. However, wasteful spending or misuse of state resources is often found. This waste can take the form of inefficient spending, the use of goods or services that do not align with needs, or projects that do not deliver real benefits to the community. For example, infrastructure development that is not aligned with the plan, or spending on projects whose benefits cannot be felt by the community. This kind of waste creates injustice because the people who should benefit from the state budget do not receive benefits commensurate with the government's spending. In addition, the wasteful use of resources reduces the government's ability to implement programs that the community needs more, such as education, health, or social welfare.

The eighth violation is covering up officials' mistakes. When government or state officials make mistakes, they must acknowledge them and make corrections immediately. However, there are often attempts to cover up mistakes, whether they involve budgetary mismanagement, ineffective policies, or actions that harm the community. This act of covering up mistakes can occur out of fear of losing face or reputation, or due to concerns about political impact. However, covering up mistakes will only make the situation worse, as small problems can grow into bigger, more difficult-to-resolve ones. In addition, covering up mistakes reduces government accountability, ultimately leading the public to feel they lack clarity about government actions and decisions.

The last violation mentioned is failure to show initiative. A good government must be able to take innovative steps and have the initiative to solve the problems faced by the community. However, failure in this regard is often seen when the government is stuck in a routine and does not attempt to make significant changes. When the government lacks initiative, old problems persist without clear solutions, and new problems cannot be addressed effectively. Without initiative and breakthroughs, the government will experience stagnation and be unable to keep pace with the times. A government that fails to innovate will miss the opportunity to improve the country's social, economic, and political conditions.

## **E. Strategies for Improving Effective and Transparent Governance: Steps Towards Community Welfare**

Effective and transparent governance is crucial to a country's development.<sup>31</sup> A good government must not only focus on administrative matters and appropriate policies, but also respond quickly, efficiently, and fairly to the community's needs.<sup>32</sup> The community, as an integral part of the country, has the right to receive proper public services, access information transparently, and participate in decision-making that affects their lives. Therefore, the government's efforts to improve the quality of state governance significantly affect the community's overall welfare.

In this context, several factors need to be considered to improve governance. There are at least four important points that must be considered, namely increasing transparency and accountability in policy-making and state financial management, increasing community participation in public decision-making, improving the quality of public services through improvements to the governance system, and increasing cooperation between the government, the community, and the private sector in developing the region and improving the welfare of the community.<sup>33</sup>

The first step is to improve government transparency and accountability in policy-making and state financial management. These two things are important foundations in realizing a clean and trustworthy government. In state financial management, one of the main considerations is how government funds can be clearly accounted to the public. Therefore, it is important to strengthen a more transparent and open public financial reporting system. This reporting must allow the public and related parties to access information on how the state budget is used, whether through capital, operational, or social expenditure. Transparency in financial reporting will give the public

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<sup>31</sup> Gedeon M. Mudacumura, 'Accountability and Transparency: Cornerstones of Development and Democratic Governance', in *Challenges to Democratic Governance in Developing Countries*, ed. Gedeon Mudacumura and Göktuğ Morçöl (Springer International Publishing, 2014), [https://doi.org/10.1007/978-3-319-03143-9\\_3](https://doi.org/10.1007/978-3-319-03143-9_3); Claudio Ciborra, 'Interpreting E-Government and Development: Efficiency, Transparency or Governance at a Distance?', *Information Technology & People* 18, no. 3 (2005): 260–79, <https://doi.org/10.1108/09593840510615879>.

<sup>32</sup> John J. Kirlin, 'What Government Must Do Well: Creating Value for Society', *Journal of Public Administration Research and Theory* 6, no. 1 (1996): 161–85, <https://doi.org/10.1093/oxfordjournals.jpart.a024298>; Jocelyne Bourgon, 'Responsive, Responsible and Respected Government: Towards a New Public Administration Theory', *International Review of Administrative Sciences* 73, no. 1 (2007): 7–26, <https://doi.org/10.1177/0020852307075686>.

<sup>33</sup> Deru R. Indika and Nike Vonika, 'Increasing Transparency and Community Participation through the Open Government Partnership in Bojonegoro Regency', *Proceedings of the Achieving and Sustaining SDGs 2018 Conference: Harnessing the Power of Frontier Technology to Achieve the Sustainable Development Goals (ASSDG 2018)*, January 2019, 41–51, <https://doi.org/10.2991/assdg-18.2019.4>.

confidence that the state budget is being used wisely and that there is no abuse of authority in its management.<sup>34</sup>

In addition to financial reporting, public audits are also equally important. The government needs to ensure that competent parties can independently audit every use of the budget. Regular public audits will ensure that government spending is in accordance with its intended purpose and is used efficiently. The results of these audits must also be accessible to the public, so that if any misuse or irregularities in fund management are found, the public can immediately learn of them and demand accountability. Furthermore, the public complaint mechanism also needs to be strengthened. With this mechanism in place, any individual or group who feels aggrieved by the abuse of authority or government policy can easily report it and receive follow-up. If this entire reporting and monitoring system works well, transparency and accountability in the management of state finances will be better maintained, and the public will have greater confidence that the government truly prioritizes the interests of the people.<sup>35</sup>

The second step is to increase public participation in public decision-making and in the implementation of government programs. In a democratic system of government, public participation is key to ensuring that government policies truly reflect the wishes and needs of the people. This participation can be achieved through various mechanisms, including public consultation. The government needs to provide sufficient space for the community to convey their aspirations, input, or criticism of the policies to be implemented. These public consultations can take the form of open discussions, surveys, or specialized forums involving various sectors of society, including civil society groups, academics, and the private sector. By listening directly to the voice of the people, the government will have a clearer picture of the impact of these policies and how they can better accommodate the interests of society at large.<sup>36</sup>

In addition, the government also needs to create a dialogue forum that enables two-way communication between the government and the community. These forums can be held periodically to discuss various important issues facing the community or the country. These dialogue forums can also be a place for the community to convey the obstacles or problems they

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<sup>34</sup> Teresa M. Harrison and Djoko Sigit Sayogo, 'Transparency, Participation, and Accountability Practices in Open Government: A Comparative Study', *Government Information Quarterly* 31, no. 4 (2014): 513–25, <https://doi.org/10.1016/j.giq.2014.08.002>.

<sup>35</sup> Andi Chairil Furqan et al., 'Financial Reporting, Public Services and Local Executives' Re-Electability in Indonesia', *Cogent Business & Management* 8, no. 1 (2021): 1939229, <https://doi.org/10.1080/23311975.2021.1939229>.

<sup>36</sup> Azlan Abas et al., 'A Systematic Literature Review on Public Participation in Decision-Making for Local Authority Planning: A Decade of Progress and Challenges', *Environmental Development* 46 (June 2023): 100853, <https://doi.org/10.1016/j.envdev.2023.100853>.

face in their daily lives, as well as to find solutions together. Community participation in these forums will help the government to be more sensitive to existing problems in the field and formulate more targeted policies. In addition, during policy implementation, the community must be involved in monitoring. Community monitoring can be carried out in various ways, ranging from direct monitoring of government projects to involvement in independent monitoring institutions that serve to ensure that the policies implemented are in line with the desired objectives. By involving the community in monitoring, the government will be more controlled and more careful in making risky decisions.<sup>37</sup>

The third step is to improve the quality of public services by improving good governance systems and the quality of human resources in the government apparatus. One indicator of a successful government is how well it delivers high-quality public services to the community. Good public services will create community satisfaction and increase trust in the government. To that end, governance systems must be improved to be more efficient, accessible, and less complicated. The government needs to establish clear, transparent procedures for providing a range of services to the community, including administrative, health, education, and other services. Fast, timely public services will satisfy the community and reduce the frustration that often arises from complex, time-consuming procedures.<sup>38</sup>

However, improving the governance system alone is not enough without improving the quality of human resources in the government apparatus. A competent, professional apparatus with good work ethics will be able to provide optimal public services. Therefore, the government needs to provide regular training and development to state officials. This training aims to improve officials' technical skills, knowledge, and communication abilities in carrying out their governmental duties. In addition, a fair and transparent payroll system must also be improved so that government employees feel appreciated for their contributions. If the payroll system is not transparent or fair, it can reduce employee motivation and affect their performance. Improving the quality of government human resources can also be done by providing incentives or awards to employees who demonstrate the best performance in providing services to the community.<sup>39</sup>

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<sup>37</sup> Karen B. Sanders and Elena Gutiérrez-García, 'Understanding the Role of Dialogue in Public Sector Communication', in *The Handbook of Public Sector Communication* (2020), <https://doi.org/10.1002/9781119263203.ch19>.

<sup>38</sup> Moh Said, 'Capacity Development of Human Resource in Local Government to Improve Public Service Quality', *Jurnal Ilmiah Administrasi Publik* 1, no. 1 (2015): 8–13, <https://doi.org/10.21776/ub.jiap.2015.001.01.2>.

<sup>39</sup> Kamal Alamsyah et al., 'The Urgency of Developing Quality Human Resources in Realizing Good Governance: A Literature Review', *Influence: International Journal of Science Review* 5 (July 2023): 363–75, <https://doi.org/10.54783/influencejournal.v5i2.164>.

The fourth step is to enhance cooperation among the government, the community, and the private sector to develop the region and improve community welfare. The government, the community, and the private sector each play complementary roles in the country's development. Therefore, cooperation among these three parties must be strengthened to ensure more evenly distributed development that provides greater benefits to the community. In this case, the private sector can play a role in providing employment and investment, as well as in building the necessary infrastructure. The government must create a climate conducive to private-sector investment, including by easing licensing requirements and offering incentives for private-sector investment in projects that benefit the community. However, cooperation between the government and the private sector must be carried out with the principles of transparency and accountability, so that there is no collusion or business practices that harm the community. The government also needs to support community initiatives that have the potential to improve their quality of life. This can take the form of providing funds for community empowerment programs and skills training, or of opening access to various economic and social opportunities. Good cooperation among the government, the community, and the private sector will drive sustainable development, thereby improving community welfare and fostering inclusive economic growth.<sup>40</sup>

By implementing the four important steps above, governance will become more effective and efficient. The community will feel the direct benefits of the policies taken, such as improved quality of public services, increased social welfare, and better protection of human rights. With maintained transparency, greater community participation, high-quality public services, and strong cooperation among the government, community, and private sector, it is hoped that the government will be more responsive to the needs of the people. Ultimately, all these efforts will lead to the creation of a government that is not only good at managing the country but also capable of providing equitable welfare for all levels of society.

#### **F. Upholding the Rule of Law: Government Responsibility and Oversight in a Democratic Political System**

Currently, demands for respect for human rights and for the implementation of a democratic political system are increasing worldwide.<sup>41</sup> The government must provide proper oversight of law

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<sup>40</sup> György Jenei et al., 'Local Governments, Civil Society Organizations and Private Enterprises – Partnerships in Providing Social Services: The Case of Eger, Hungary', *Journal of Comparative Policy Analysis: Research and Practice* 7, no. 1 (2005): 73–94, <https://doi.org/10.1080/13876980500084709>.

<sup>41</sup> Thomas Giegerich, 'Human Rights as Cornerstones of Democracy', in *The Human Right to Democracy in Multilevel Systems at a Time of Democratic Backsliding: Global, Regional and European Union Perspectives*, ed. Thomas Giegerich (Springer Nature Switzerland, 2026), [https://doi.org/10.1007/978-3-032-01689-8\\_4](https://doi.org/10.1007/978-3-032-01689-8_4).

enforcement officials in carrying out their duties, especially in eradicating corruption and other crimes related to state losses. In a state based on the rule of law, the law must be treated as supreme and used as a reference by all parties, including the government and other authorities. This is important for achieving stable statehood and the welfare of the people. Therefore, there must be an independent judiciary, equipped with proper oversight to ensure it carries out its duties fairly and in accordance with applicable laws. In addition, the political system must reduce centralization and provide the legal certainty necessary for a stable and growing economy.

True development must balance power and politics. Morally, religious integrity must be built, and emphasis must be placed on ensuring that practical politics and the law function as they should. The term “*governmental liability*” is often confused with the term “state liability.” For example, J.J. van der Gouw and Th. G. Drupsteen<sup>42</sup> article entitled *Government Liability in the Netherlands* states that the state, central and local governments, councils, and other bodies that have governmental duties are classified as legal persons that can be held accountable both under civil and administrative law if they commit unlawful actions.

Otto Depenheuer’s<sup>43</sup> opinion Article 131 of the Weimar Constitution states that the state is publicly liable for all wrongful acts committed by its officials. In this case, public legal measures such as dismissal can be used to address the issue, as using Article 839 of the German Civil Code, which only regulates the personal liability of officials, is often unsatisfactory and can lead to public distrust of the government. Thus, Article 131 of the Weimar Constitution aims to provide better protection for the public from wrongful acts by state officials, as well as to strengthen public trust in the government. This article also recognizes that the state is legally responsible for the actions of its officials and that public law can be used to enforce this responsibility.

However, it should be noted that Article 131 applies only to wrongful acts committed by officials, not to acts committed in the course of their official duties. Furthermore, Article 131 does not grant absolute immunity to state officials, so they can still be prosecuted and held personally liable if they are found to have committed wrongdoing in the course of their official duties.

The rule-of-law principle of “governmental responsibility” with public accountability, as mentioned in Article 131 of the Weimar Constitution, differs from the principle of “*responsible government*.” The principle of “*responsible government*” is more related to the political responsibility of the government to parliament or democratically elected representatives of the

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<sup>42</sup> J. J. van der Gouw and Th. G. Drupsteen, *Government Liability in the Netherlands* (Brill | Nijhoff, 1999), 157–72, [https://doi.org/10.1163/9789004632912\\_012](https://doi.org/10.1163/9789004632912_012).

<sup>43</sup> O. Depenheuer, ‘Governmental Liability in Germany’, in *Comparative Studies on Governmental Liability in East and Southeast Asia* (Brill | Nijhoff, 1999), [https://doi.org/10.1163/9789004632912\\_013](https://doi.org/10.1163/9789004632912_013).

people. This principle requires the government to be accountable to parliament or the people's representatives for its actions. If it fails to carry out its duties, it can be dismissed by parliament or the people's representatives.

Meanwhile, the principle of the rule of law with public accountability holds the government accountable for its actions. This principle requires the government to be legally responsible for its actions that violate the law, whether through the courts or other public legal actions. This legal responsibility is measured by the level of validity of the government's actions, including legal validity, legislation, and the validity of the objectives or intentions.

In the context of legal responsibility, the rule of law principle holds the government to legal supervision and requires it to act in accordance with applicable laws. The principle of the rule of law also guarantees that if the government violates the law, it must be legally responsible for its actions. Legal oversight of the government is very important because it has significant power and can influence many aspects of people's lives.

Without proper oversight, the government can act arbitrarily and violate citizens' basic rights. In the principle of the rule of law, public accountability is of great importance. This refers to the government's responsibility to provide the best services to the community, ensure justice, and guarantee that citizens' basic rights are not violated. Thus, the principle of the rule of law with public accountability prioritizes the interests of the community in government policies and actions and ensures that the government is legally responsible for violations of the law or non-compliance with the rule of law.

Responsible government shares the same spirit and ideals in promoting good governance to uphold the democratic rule of law. However, in many cases, the government's responsibility is still not being optimally utilized. There are various cases of administrative and civil lawsuits involving government responsibility that have not been properly resolved. The government also needs to evaluate and improve its law enforcement and oversight systems to ensure that government responsibility is carried out effectively and in accordance with the principles of the rule of law.

The definition of governmental responsibility can be interpreted as the obligation of the state, government, government officials, or other officials who carry out governmental functions to fulfill requests or objections submitted by individuals, communities, or civil law entities, through settlement in or out of court. This governmental responsibility can be realized through the payment of a sum of money as compensation or subsidy, issuing or canceling/revoking decisions or regulations, carrying out more effective and efficient supervisory actions, preventing danger to humans and the environment, protecting citizens' property, managing and maintaining public

facilities and infrastructure, imposing sanctions for violations, and so on. In this case, the government's responsibility is to act in accordance with the law, protect the rights of the people, and guarantee public welfare.

### **G. Regional Autonomy Reform as a Form of Good Governance: Government Responsibility in Law Enforcement and Accountability**

The concept of regional autonomy reform in Indonesia has become an important foundation in efforts to create a more transparent, accountable, and responsive government. This reform not only aims to encourage the decentralization of power but also to strengthen the principles of good governance, including openness, participation, accountability, and responsibility in the implementation of government. In this case, governmental responsibility is key to effective regional autonomy, in which local governments are given greater authority to make decisions aligned with local conditions and community needs. This reform is expected to create a more efficient government closer to the people and to provide local governments with opportunities to manage existing resources more effectively.<sup>44</sup>

It is important to note that one of the main principles of regional autonomy reform is the government's accountability for carrying out its duties. This responsibility is not limited to administrative matters but also encompasses broader legal liability, including civil and administrative liability for unlawful acts committed by the government, known in Indonesian law as *onrechtmatige overheidsdaad*. This concept emphasizes that the government must be accountable for all its actions, especially when it commits acts that harm people's rights. One of the legal foundations that serves as a reference in this matter is Article 1365 of the Civil Code, which governs the obligation to compensate for losses caused by unlawful acts. This is important for realizing the rule of law, in which the law must be treated as supreme and enforced without discrimination.<sup>45</sup>

Government accountability for unlawful acts can be achieved not only through formal court proceedings but also through non-litigation or Alternative Dispute Resolution (ADR) channels, such as mediation and arbitration. Through ADR mechanisms, the government provides the public with a faster, more efficient, and cheaper way to resolve disputes. This approach also demonstrates the government's commitment to improving the legal system and ensuring that people's rights are

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<sup>44</sup> Sabara, 'Regional Autonomy in the Political System and Authority in Indonesia'; Muhammad Farizka Sisma and Zakki Adlhiyati, 'Legal Liability on Administrative Tort: Administrative Law Perspective', *Jurnal Cendekia Hukum (JCH)* 8, no. 2 (2023): 242–52, <https://doi.org/10.33760/jch.v8i2.592>.

<sup>45</sup> Sisma and Adlhiyati, 'Legal Liability on Administrative Tort: Administrative Law Perspective'.

well-protected. In addition, ADR is a solution to reduce the burden on courts, which are often overwhelmed with cases that take a long time to process. Thus, out-of-court dispute resolution is part of efforts to build a legal system that is more responsive to the community's needs and to foster a more harmonious relationship between the government and the community.

In addition, although the legal system regulates dispute resolution mechanisms through civil and administrative channels, it cannot be denied that criminal liability is also an integral aspect of good governance. In this case, criminal responsibility remains attached to the personal actions of government officials involved in unlawful acts, such as corruption, abuse of power, murder, adultery, and various other criminal acts in accordance with the provisions of the Criminal Code. The government must ensure that officials who commit criminal offenses are prosecuted and held accountable for their actions.

Corruption, as one of the most common forms of criminal offenses in government, has become a major concern in government reform and regional autonomy. Corruption undermines the integrity of the state apparatus, reduces the quality of public services, and hinders equitable economic development. Therefore, regional autonomy reform must be accompanied by serious efforts to eradicate corruption at the local government level. Preventive and repressive measures against corruption must be carried out decisively. Preventive measures, such as anti-corruption education and the implementation of a transparent budget management system, must be strengthened. Meanwhile, repressive measures, which involve taking action against officials proven to be involved in criminal acts of corruption, must be carried out with full commitment and without discrimination.<sup>46</sup>

In addition to corruption, other criminal offenses can occur in government, such as abuse of power and human rights violations. In this case, the government must ensure that any unlawful actions committed by public officials, whether related to state finances, abuse of authority, or acts of violence, are investigated and prosecuted in accordance with applicable laws. No official is immune from the law, and there is no room for abuse of power in a healthy, democratic government. Fair and impartial law enforcement is an absolute requirement for realizing true good governance.

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<sup>46</sup> Ade Paranata, 'The Miracle of Anti-Corruption Efforts and Regional Fiscal Independence in Plugging Budget Leakage: Evidence from Western and Eastern Indonesia', *Heliyon* 8, no. 10 (2022), <https://doi.org/10.1016/j.heliyon.2022.e11153>; Janpatar Simamora and Risma Elfrida Esther Manik, 'Legal Politics in Combating Corruption During Indonesia's Era of Regional Autonomy', *Journal of Indonesian Legal Studies* 10, no. 1 (2025): 135–64, <https://doi.org/10.15294/jils.v10i1.3885>.

Overall, the concept of regional autonomy reform, as part of efforts to achieve good governance in Indonesia, emphasizes the importance of government accountability in properly and responsibly carrying out its duties, whether in civil, administrative, or criminal matters. This reform gives local governments greater authority to manage resources and respond to community needs more efficiently, while still within a framework of strict supervision and high accountability. Therefore, the government's responsibility is not limited to managing budgets and public policies; it must also enforce the law against officials who violate it.

The importance of civil and administrative accountability in the context of unlawful government acts underscores the state's ongoing obligation to improve the legal system and governance. The government cannot be exempt from its responsibility to the community, including providing good services, managing resources wisely, and guaranteeing the community's rights in the policies it adopts. Meanwhile, criminal accountability for officials who commit criminal acts, such as corruption and abuse of authority, affirms that the state does not tolerate violations of the law that harm the state and society. The law must be a tool that protects the interests of the people, and every individual, including state officials, must be held accountable for their actions.

## **H. Conclusion**

The concept of regional autonomy reform in Indonesia is a major step in strengthening the principles of good governance, namely transparent, accountable, efficient, and responsive government. Regional autonomy, implemented since the reform era, gives local governments greater authority to manage government affairs and development in their regions. This aligns with the spirit of decentralization, which aims to give regions the freedom to make decisions tailored to local conditions, accelerate development, and bring the government closer to the people. However, the implementation of regional autonomy must still be carried out within the framework of a unitary state, with good coordination between the central and regional governments.

Although the main objective of regional autonomy is to improve community welfare by granting greater authority to local governments, its implementation faces various challenges. Development disparities between regions, uneven resource management, and suboptimal coordination between central and regional governments are among the main issues that have arisen. Therefore, it is necessary to renew the attitudes, mindsets, and behaviors of the community and state apparatus to ensure wise resource management and sustainable development. The community, which is an integral part of the state, must be empowered to actively participate in the

decision-making process and implementation of policies that will have a direct impact on their lives.

Local governments have a major responsibility to ensure that every policy implemented improves the community's quality of life. Governors, mayors, and regents, as regional heads, together with the Regional Representative Council, play an important role in formulating and implementing policies that favor the interests of the community. However, the success of regional autonomy implementation largely depends on how effectively local governments manage resources, design policies that meet local needs, and ensure sustainable development that does not damage local environments and cultures. To that end, it is crucial to build the capacity of local government officials through continuous training and education so they can address the challenges posed by increasingly complex governance.

In addition, strict supervision of policy implementation is also necessary to ensure that the policies applied truly benefit the community. Supervision is carried out not only by the central government but also by community and regional legislative bodies. The Regional Representative Council has a strategic role in overseeing the performance of local governments, including in budget management and the implementation of development programs. Furthermore, public complaint mechanisms must be strengthened so that the community can voice its concerns about public services and local government. With better oversight, abuses of authority such as corruption and budget waste can be prevented, and local governments will be more accountable to the people.

Improvements in the regional financial management system must also accompany the renewal of regional autonomy. Local governments must be given sufficient freedom to manage their finances and resources, while still within a clear framework of oversight. This is intended to make the use of the state budget more efficient and targeted, as well as to improve the quality of public services. In addition, transparent and accountable financial management will reduce the potential for budget misuse by local officials and increase public trust in local government.

One important aspect of regional autonomy reform is how regions can maintain local wisdom and regional characteristics in every policy they adopt. Local wisdom, encompassing traditional knowledge in natural resource management, culture, and social systems, is of immense significance for sustainable development. Therefore, every development policy adopted by local governments must take local wisdom into account so that development not only accelerates economic growth but also preserves existing cultural and environmental values.

Although regional autonomy gives greater authority to local governments, the challenges in its implementation remain significant. Local governments need sufficient capacity in financial

management, development planning, and the utilization of available natural resources. The central government must also continue to provide adequate support through appropriate policies and budget allocations, and ensure that the implementation of regional autonomy does not lead to the fragmentation of national unity. Therefore, although regional autonomy provides significant autonomy, close cooperation between the central and regional governments remains necessary to ensure that policies adopted support equitable national development.

In addition, strengthening the legal system in force in the regions is also very important to support the renewal of regional autonomy. In this case, regional governments must be committed to implementing the principles of good governance, including transparency, accountability, and public participation at every stage of government administration. Supervision of regional policies and budget management must be carried out carefully and involve the community to ensure that the policies implemented are truly in the interests of the people and can improve their quality of life.

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