



## THE EXISTENCE OF REGIONAL GOVERNMENTS POST-REFORM

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### Article

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### Abstract

*The local government is the organizer of government affairs by the local government, and performs co-administration tasks with the broadest principle of autonomy in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution. Autonomy changes many things in this country, and makes it easier to follow the era globalization evolves over time. Autonomy has a role in encouraging a culture of democracy, freedom and making things easier for a business. Representation is a mechanism for applying the normative idea that rulers must be exercised by the will of the people or the will of the people. Autonomous is independent which takes care of its own household without interference from the central government, the people themselves here play a very important role in the success or failure of an implementation of regional autonomy because everything depends on the participation of the people and also the relationship of the rulers. The power that occurs in a government will also depend on whether or not it is able to transform the people's will as a top priority or the highest value above the wishes of a country, where the people are the priority whether the autonomous administration is carried out very well. The existence of local governments is getting stronger and has become commonplace among the people, based on qualitative methods and based on normative legal research. From the many studies on local government, there are many pluses and minuses to the legal politics of local government in this autonomous regime. And all of these rules have actually been regulated in Law Number 23 of 2014 concerning Regional Government, which regulates many regional governments in autonomous regimes.*

**Keywords** : Local government, people, autonomous.

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## I. INTRODUCTION

Indonesia is the largest archipelagic country in the world, which is located between the continents of Australia and the continents of Asia. Indonesia as an archipelagic country has more than 17,000 islands spread across the equator, and has ethnic differences over the territory of this country. Indonesia is known as a democratic country, where in a democracy there is a government. The government in a democratic country is the highest power in this Indonesian state, but that does not mean that the government is the real supreme power holder. Government broadly includes all powers, of which there are 3 powers, namely legislative,

executive and judicial. Meanwhile, if in a narrow or special sense only includes the executive.

Indonesia is a country that adheres to a constitutional system, which contains a constitution or commonly referred to as a law. The contents of the Constitution regulate how the sovereignty of the people is channeled, implemented and implemented. The procedure or system for its implementation in this country, the sovereignty of the people must be the main priority, and be guaranteed. This means that only the people own or control this country with all their powers. Therefore, even though in the Indonesian state the highest power is held by the government or authorities, the government must still submit to the people.

The presence of a government system in this country does not appear suddenly or free of charge, the reason for the presence of a government system in the Indonesian state is due to an agreement or agreement that occurs because humans are social beings who need reciprocity, so there is always a desire

to live. socialize or live in society, and more importantly, humans always have a mind on the achievement of achievement (systematic relationship) to lead and achieve common goals. (Dr.Max Boli Sabon, 2019)

The government is usually referred to as a power system that exercises an authority over social, economic, and political factors or fields. Based on Article 1 paragraph (1) of Law Number 23 of 2014 concerning Regional Government, "The central government is the President of the Republic of Indonesia who holds the power of the state government of the Republic of Indonesia who is assisted by the vice president and ministers as referred to in the

Constitution of the Republic of Indonesia in 1999. 1945" Meanwhile, according to Article 1 paragraph (2) of Law Number 23 of 2014 "Local government is the administration of government affairs by the regional government and regional people's representatives according to the principle of autonomy and assistance tasks with the principle of autonomy as wide as possible in the system and principles of the Unitary State of the Republic of Indonesia. Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia". (Law Number 23 of 2014)

The relationship that occurs between the regional government and the central government relates as that the central government is the ruler whose duties are centralized aiming to complete all regional governments. And in the relationship between the two governments, there are several points that determine at least there is a relationship between the central government and local governments, namely, power,

economy, inspection, relationships that exist because of a government organization in an area.

Local governments are currently known for 3 principles, namely the principle of decentralization, the principle of deconcentration, and the principle of co-administration, which in this principle are the basic principles of implementing regional government based on regional autonomy. Regional Autonomy Based on Law Number 23 of 2014 namely "The rights, powers and obligations of autonomous regions to regulate and manage their own government affairs and interests of local communities in the system of the Unitary State of the Republic of Indonesia".

The Regional Government itself was formed as an effort to act well in the context of implementing regional autonomy in managing government affairs, whose task is to prioritize the people of a place in accordance with statutory regulations. The regional government is focused

on shortening the time to realize the sovereignty of the people or society, besides that it is also focused on progressively increasing the competitiveness of a region by sticking to the democratic principles that exist in the Republic of Indonesia. (Ani Sri Rahayu., 2017)

Autonomy has its own role as an effort to encourage a democratic culture, a freedom and facilitate the entry of criticism and suggestions. If the authority does not exist, then the institution will not be able to carry out the government independently. For the sake of the realization of Good Governance, in which the desired welfare of the people in accordance with the wishes of the state will be easy to make it happen.

## **II. PROBLEM FORMULATION**

1. What is the history of government regulation before the Reform Regime?
2. How is Local Government Law After Reform

## **III. RESEARCH METHODS**

This research is using a normative type of research with a statutory approach. Normative research is a type of legal research obtained from literature studies by analyzing a problem through laws, journals, or other references, while still adhering to the constitution or legislation. (Irwan., 2013)

## **IV. RESULTS AND DISCUSSIONS**

### **- History of regulatory law Government before the Reform Regime**

Historically, Indonesia was a colony of the Dutch East Indies government, where the system that we adhere to today is still thick with European countries. Colonization by the Dutch East Indies government influenced the political system in Indonesia. (Hera Fauziah., 2016)

The regulation of regional government in the pre-reform regime, is actually a bit difficult if we have to give value to the focus on the implementation of regional autonomy in the pre-reform regime. However, if it is evaluated, there are many changes and contents that occur in the legislation in this country. The enactment

of Law No.1 of 1945 concerning the Position of Regulations Regarding Regional National Committees in which the decentralization pattern is used to regulate relations between the central and regional governments. Pros and cons occurred throughout the country because Law No. 1 of 1945 seemed centralized, then the officials who were in the government (DPRD) did not know what their duties and authorities were, so something happened that interfered with the implementation of local government performance. For that reason Law No. 1 of 1945 was changed without waiting a long time, with the passage of Law No. 22 of 1948 which is more detailed in the regional government regulatory system.

When Law No.22 of 1948 was in effect, there were also changes to the differences contained in Article 2 of Law No.22 of 1948, namely

- o Local government consists of DPRD and DPD
- o The chairman and deputy chairman of DPRD are elected by and from DPRD members o Regional heads serve the chairman and members of the DPD

of the 1945 Constitution of the Republic of Indonesia which changed the form of government, which was amended by the 1949 RIS Law and then there was another amendment to the 1950 provisional constitution. The reason being that he wanted to complete new provisions, the Law on Regional Government was changed again.

Law No. 1 of 1957 was used after the amendment to Law No. 22 of 1948. The characteristic of Law No. 1 of 1957 is very different from the previous Law. This law provides for real autonomy, the regions are still given broad freedom for autonomy. However, not long after, after the Presidential Decree of July 5 1959, the local government was very thick with the nuances of centralization. The previous laws and regulations based on the old constitution were not in accordance with the return of the Indonesian constitution to the 1945 Constitution with the passage of Law No. 18 of 1965.

The reason for the beginning of the new order was to correct the failure of the previous failure of the old order government. The presence of Law No. 5 of 1974 during the New Order period ran with a different system. Which implements a direct and responsible autonomy, which is ultimately able to turn on a stable system. However, its implementation is more severe for the central government and local governments whose orientation is towards the central government or above. As a result, people in this order are in the lowest caste or the weakest position in this country. Which makes criticism everywhere whose goal is for the sovereignty of the people. At this time the local government was not the voice of the people's aspirations, but in this order the local government was the representative of the upper central authorities. There was a very centralized feel to this order, which in the end Law No. 5/1974 was changed with a new law.

#### **- Local Government Legal Arrangements After Reform**

Regional governments have peaked since 2004 with the existence of Law Number 32 of 2004 which intends to complement or complement the previous Law, namely Law Number 22 of 1999. In Law Number 32 of 2004 it was created not only as a only complementary or complementary, but there are other reasons why this Undang Law was created, namely, as evidence of an era of globalization (new developments) that does not yet exist in Law Number 22 of 1999. The existence of local governments in autonomous regimes is in accordance with the Laws Law Number 23 of 2014, is quite well implemented at this time. Where in the beginning it started when regional autonomy in its implementation the legislative role was so strong, which had implications for government, especially in the regions. Culture shock occurs because cases of deviation appear slowly in each area. DPRD made the report of the person in charge of the regional head as

a political negotiation, it was a weakness of Law No. 22 of 1999 on the autonomous regime which was finally changed by Law No. 32 of 2004 and in the end it was changed back to Law No. 23 of 2014 which made Law No. 23 of 2004. 2014 as a law on local government in the current autonomous regime.

In Law No. 23 of 2014 concerning Regional Government it is stated that the Regional Government is the administration of government affairs carried out by the regional government and the Regional People's Representative Council according to the principle of autonomy and has the task of assisting with the principle of autonomy as wide as possible in the system and principles of the Unitary State of the Republic of Indonesia as referred to in Law No. in the 1945

Constitution of the Republic of Indonesia. (Fadillah Amin., 2014)

So, it can be interpreted that local government is the organizer of affairs in the area of the local community, for example in the provinces, cities and districts. Local governments have the principles of administering local government affairs based on Law no. 23 of 2014, namely:

- a. The principle of centralization as the center of the government system in which all government affairs are centered on the central government
- b. The principle of decentralization as the handover of government affairs by the central government to local governments
- c. The principle of deconcentration as the delegation of part of government affairs which are under the authority of the central government to the governor as the territory of the central government.
- d. Co-administration is the task of the central government to autonomous regions to carry out some government affairs which are the authority of the central government.

Here the affairs that are carried out or carried out are contained in Article 9 paragraph 4 of Law No.23 of 2014, which contains:

"Concurrent government affairs that are handed over to the regions become a forerunner to the implementation of regional autonomy.

The purpose of implementing the principle of autonomy is to make it happen and create community welfare in the region. Regional governments are given the broadest authority based on the principle of regional autonomy. (Freddy Poernomo.,2020)

To achieve success in the implementation of regional autonomy, the key lies in human resources themselves. As an autonomous regime, the participation of the community is a strategy for the success of the implementation of regional autonomy.

The relationship between the Central Government and regional governments carried out by the Government of the Republic of Indonesia in the form of a Regional Autonomy Policy is regulated in Law Number 23 of 2014. During the process of dividing government relations, a scale of authority is required based on statutory

regulations. (Irfan Setiawam., 2020)

According to Law Number 23 of 2014, the local government has duties and responsibilities that must be carried out, namely to maintain peace and peace in society, obey and implement what is in Pancasila, carry out what is in the 1945 Constitution, then maintain and care for the integrity of the unitary state of the republic of Indonesia, comply with all that is in the rules of the law, foster democratic life, maintain ethics and norms in carrying out/implementation of government affairs that are under regional authority, applying a system of honest government principles , right and good, carry out national strategic programs, establish working relationships with all regional vertical agencies and all regional apparatus. (Gulo, Optimist Putra Kasih., 2019)

The existence of local governments cannot be underestimated at the current autonomous regime, in addition to the duties and responsibilities above, local governments or local governments also have the task of empowering human resources, facilities and

infrastructure. And why is it still being held by local governments, the reasons are:

1. Constitution, to implement the provisions and mandates contained in the 1945 Constitution
2. Administration, to make it easier to implement a government system with the principles of Good Governance
3. Operations, so that make it easier to achieve a goal both in social society, as well as infrastructure development
4. Political, which provides an opportunity where the people

participate in the mechanism of administering the government system, one example is elections.

Autonomy cannot be said to be a regional freedom, but autonomy is the process of giving an opportunity to the region so that it can develop according to the resources of each region. It is necessary to realize that society is the influence of the success of a system. Because a system will not run without people who know it, or people who move in it.

But lately it is very unfortunate, it is happening that local governments do not carry out legal politics well and tend to not care about the people and even many are careless, for example, such as public services, even though the highest power is actually for the people's sovereignty and only for the people. Whereas Autonomy means that the basic principle of implementing regional government is based on the implementation of regional autonomy aimed at the people. On the other hand, corruption is also carried out by local government officials who are in office, making the relationship between the people and the authorities not mutually trusting, but bound by a system for the sake of the people's sovereignty. does not count as good governance.

## V. CONCLUSION

1. The issuance of Law No. 1 of 1945 concerning the Position of Regulations Regarding Regional National Committees, became a polemic because it was deemed too centralized, Law No. 22 of 1948 was the second law after the amendment of Law No. 1 of 1945 in which there are several differences which is in Article 2 of Law No. 22 of 1948, Although Law No. 22 of 1948 is more detailed than the previous Law, the Law was changed again on the grounds that all the new provisions could be implemented, Law No. 1 of 1957 became The third amendment law with a characteristic where the local government system is more free in carrying out autonomy, but not long after, Law No. 1 of 1957 was also amended again with the return of the Indonesian constitution in the 1945 Constitution in which the old law was no longer in accordance with the amendments. this new one. By being regulated in Law No. 18 of 1965 which contains the principles of local government, it was also changed again with Law No. 5 of 1974 although in the end it was also changed again, but Law No. 5 of 1974 became the last Regional Government Law before the reform regime.  
the history of the government before the reform regime that occurred in ancient times became the forerunner of the presence of Law no. 32 of 2004 the first law after the reform regime, where there was also a change in the legislation in it because it was felt that it was still not perfect for its regulation, until finally after several changes. At this time the local government known as Law no. 23 of 2014
2. Local government after the reform regime with the birth of Law No. 22 of 1999 cannot last

long because a decentralized system occurs in the arrangement of this Law. Because of the polemic, it was changed to Law No. 32 of 2004, the regulation is better with the running of the tasks that must be carried out, but in this Law the relationship between the top authorities and the regional government has shifted back to being centralized, Then the third amendment to the Law after the reform is the enactment of Law No. 23 of 2014 which has become a local government law to date. In the successful implementation of regional autonomy, the government must be able to relate to the people, and become a channel for the people. The government also serves as human resources in the community. Autonomy also provides opportunities in every region with the aim of developing resources in every region in Indonesia by implementing this system.

## **VI. Suggestion**

Local governments have carried out their duties and functions quite well, although sometimes there are many minuses. What should be a minus in public services must be improved because public trust in local governments is also an important factor for the operation of local governments in the current post-reform regime. And the evaluation of program regulation and control should be more focused on achieving legal politics from the principle of regional autonomy that is currently running.

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