

The Implementation of Autonomy Policy in Indonesia

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Abstract. The autonomy policy under the New Order government has been a huge concern of the central government towards the impact of giving broad autonomy as stipulated in Law No. 18 year 1965. Broad autonomy was potentially endangered the existence of the Republic of Indonesia. As one of the reformation demands, the regulatory of local autonomy obtain a juridical foundation in Law No. 22 year 1999 concerning local governance which is strengthened in the Article 18 Paragraph (5) 1945 Constitution of the Republic of Indonesia which stated that the local governance exercises the broad autonomy, except the government affairs which determined by Law as Central Government affairs. The implementation of autonomy policies in the course of the development of government in Indonesia experienced several emphases, first, being the autonomy policy, second, the policy of autonomy is broad, real, and responsible, and third, the broadest autonomy policy.

Keywords: *implementation, autonomy, Indonesia.*

INTRODUCTION

The dynamics of regional government's administration, especially regarding the autonomy policy implemented in Indonesia, is an interesting topic because the mechanisms and forms, as well as alternative models of autonomy in the implementation of the regional government, have begun since the discussion of the 1945 Constitution.

In the session of the Indonesian Independence Preparatory Affairs Investigation Agency (IIPAIA) or *Dookoritsu Junbi Coosakai* and Indonesian Independence Preparatory Committee (IIPC) discussion on the existence of regional government units, it can be seen in the statement submitted by Soepomo at the PCII session on August 18, 1945, that:

...and the existence of special regions to be considered and respected, Kooti-kooti, Sultanat-sultanat still exists and is respected by the same structure, but that is the situation as a region, not a state, do not get a misunderstanding in respect of the existence of the "*Zelfbesturende landschappen*" area, it is not a country, because there is only one country. So *Zelfbesturende landschappen* is only an area but special. So the special regions are a part of *Staat* Indonesia, but have special characteristics, have an original arrangement... [1]

The results of the discussion are set out in Article 18 of the 1945 Law which stated that "*The division of regions over large and small areas, with the form of the structure of the government, is stipulated by law by looking at and remembering the basis of deliberation in the session of the State Government and the rights of origin in special regions.*"

Based on the provisions above, it can be concluded that first, the 1945 Constitution before the amendment does not provide clarity regarding the autonomy policy which will be implemented, except only to be informed that the Indonesian state will be divided into large and small regions. Second, the formation of government in large and small regions must still pay attention to consultative democracy and the rights of origin from special regions. Thus, the state policy regarding the choice of autonomy has not been explicitly explained in the 1945 Constitution.

After the 1945 constitution being amended, the provision of more comprehensive decentralization policy is set, as seen in Article 18, which determine that: 1) The Unitary State of the Republic of Indonesia is divided into provincial regions, and the provincial region is divided into regencies and cities, which each province, district, and the city has a regional government, which is regulated by law; 2) Provincial, district, and municipal governments regulate and administer their affairs according to the principle of autonomy and assistance; 3) Provincial, district and municipal governments have a Regional People's Representative Council whose members are elected through general elections; 4) Governors, regents, and mayors as heads of the provincial, district and city governments are democratically elected; 5) Regional governments carry out autonomy to the greatest extent, except for government affairs which by law are defined as Central Government affairs; 6) The regional government has the right to stipulate regional regulations and other regulations to implement autonomy and task of assistance, and 7) The structure and procedures for administering regional government are regulated by law.

Taking into account on these provisions, it can be concluded that the autonomy policies specified in the 1945 Constitution are characterized by the formation of regions that have their own government, known as provinces and districts/ cities, which are based on the 1945 Constitution before amendment is categorized as large and small areas which have the freedom to organize and manage government affairs according to the principle of autonomy and the task of assistance

such as having a representative institution called the House of Representatives, and having a head of government called a governor, regent/mayor who is democratically elected. In addition, the government unit carries out the widest possible autonomy and has the right to establish regional regulations and other regulations to implement autonomy and task of assistance.

RESULT

The implementation of regional autonomy in the history of Indonesian state administration had begun since the promulgation of *Decentralisatiewet* by the Dutch East Indies government on July 23, 1903 [2]. Regional autonomy is understood as a process of devolution in the public sector where there is a transfer of authority from the central government to the provincial and district/ city governments [3]. In the context of Indonesia as a country, the discussion and debate over the issue had begun when the Indonesian nation struggled for its independence, through the preparatory sessions for the preparation of the state constitution. This can be seen in the minutes of the sessions of the Indonesian Independence Preparatory Affairs Investigation Agency and Indonesian Independence Preparatory Committee which illustrate the existence of "debate" among the Republic of Indonesia's independence figures, namely Amir, Ratulangi, and Soepomo [4]. Amir stated that "... *islands outside Java to be given government there, so that the people there have the right to manage their households as widely as possible*" [5].

Article 18 1945 Constitution before the amendment and explanation, not giving out clarity on policy autonomy, however, of the provisions of the article stated by Bagir Manan saying that the Republic of Indonesia is a unitary state with a decentralized system. Decentralization is one of the joint organizational structures country accepted and agreed upon by the formers of the Republic of Indonesia [6]. However, the autonomy policy can be seen from the statutory regulations under the 1945 Constitution.

During the new order, autonomy policies can be seen from the provisions of Article 4 of Law No. 5 of 1974 which confirms that "*Regions are formed by taking into account the requirements of economic capacity, population, area, defense, and national security and other conditions that enable the region to carry out development, foster political stability and national unity in the context of implementing real and responsible regional autonomy.*" The real and responsible autonomy policy in the reign of the new order was actually a correction of the autonomy policy that was in effect during the old order as outlined in Law No. 18 of 1965 concerning the Principles of Regional Government, where in the explanation of the Law it was stated that "*Regarding the right to regional autonomy it should not be doubted, that the Government will continue and consequently carry out a policy of decentralization which*

will lead towards achieving territorial decentralization namely putting real territorial responsibility as broad as possible in the hands of the Regional Government, besides carrying out politics deconcentration as a vital complement."

Based on the general explanation Law No. 5 of 1974, the principle used is no longer "the real and broadest autonomy" but "real and responsible autonomy." Thus the principle of real or tangible remains a principle that must underline the implementation of the granting of autonomy to the region. Whereas the term "to the widest extent" is no longer used because based on the experience so far, the term has turned out to lead to a tendency of thought that can endanger the integrity of the Unitary State and is incompatible with the intent and purpose of giving regional autonomy in accordance with the principles outlined in Outline of State Policy. The terms "real" and "responsible" would be more obvious in the following explanations [7].

The real and responsible autonomy policy that applies throughout the new order government can be said as the principle of implementing regional government that shows the central government's concerns about the impact of giving the broadest possible autonomy as stipulated in Law No. 18 of 1965, the broadest possible autonomy is considered to endanger the existence of the Unitary Republic of Indonesia as mandated in Article 1 paragraph (1) of the 1945 Constitution which states that "*Indonesia is a unitary state in the form of a republic.*"

This concern is an excessive attitude that shows the incomprehension of the concept of autonomy. At the academic level, the choice of autonomy as a policy pursued by various variants is a logical consequence of the choice of the form of a unitary state; therefore if autonomy is chosen, it will be related or corresponded to the choice of a unitary state. In a unitary state, in essence, all government affairs belong to the central government which in its implementation can include lower government units which will always be called "regions" and have the right to regulate and administer government affairs submitted by higher government units with the principle of autonomy.

In the next development, after more or less 25 (twenty-five) years, a real and responsible autonomy policy, finally the broadest autonomy policy adopted like "wheel rotation" during the reform period was marked by the resignation of President Soeharto on May 20, 1998. The shift of the national leadership from President Soeharto to BJ Habibbi indirectly resulted in the change of paradigm in the administration of regional government, especially after the enactment of Law No. 22 of 1999 concerning Regional Government.

Law no. 22 of 1999 actually constitutes further information regarding the issuance of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XV / MPR / 1998 Concerning the Implementation of Regional Autonomy; Regulation, Distribution and Use of National Resources that are just; and Balance of Central and Regional Finance in the

Framework of the Unitary State of the Republic of Indonesia.

In accordance with the Decree of People's Consultative Assembly Republic of Indonesia Number XV / MPR / 1998, the implementation of the Autonomous Autonomy is carried out by providing proportional, *broad, real, and responsible authority* to the region which is realized by regulating, distributing, and utilizing national resources that are equitable and balance between the Central and Regional finances. In addition, the implementation of regional autonomy was also carried out with the principles of democracy, the participation of the community, equity, and justice as well as pay attention to regional potential and diversity [8].

In its development, the policy of applying the principle of autonomy as broadly as possible has a very strong foundation in the constitutional system of the Republic of Indonesia after the amendment of the 1945 Constitution. This is as mandated in Article 18 paragraph (5) of the 1945 Constitution which stipulates that "*Regional governments carry out autonomy to the greatest extent, except for government affairs which are determined by law as central government affairs.*"

Taking into account the aforementioned provisions, it can be concluded that the implementation of regional government which was originally implemented under the principle of broad autonomy, real, and responsible, turned to the widest possible autonomy. Changes in the implementation of the broadest autonomy policy to date have lasted almost 20 (twenty) years, and have been followed up with Law No. 32 of 2004 concerning Regional Government and Law No. 23 of 2014 concerning Regional Government.

It can be seen in the provisions of Article 2 paragraph (3) of Law No. 32 of 2004 which affirms that "*Local governments carry out the broadest possible autonomy, except for government affairs which are the affairs of the Government, with the aim of increasing public welfare, public services, and regional competitiveness.*" While in Law No. 23 of 2014 regulated in Article 1 paragraph (2) affirms that "*Regional Government is the administration of government affairs by regional governments and regional legislatures according to the principle of autonomy and co-administration 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 of the Republic of Indonesia.*"

The replacement of Law No. 32 of 2004 with Law No. 23 of 2014 turned out not to be a guarantee of the success of the implementation of the broadest autonomy policy. The implementation of regional autonomy, especially during the administration of President Joko Widodo, was considered quite alarming. Regional Government Law No. 23 In 2014, which was ratified during the administration of President Susilo Bambang Yudhoyono (SBY), turned out that it was not a solution, instead created new problems. The regime changes from President SBY to Jokowi's government included a

change in the vision and direction of policy, particularly in relation to regional development. The problem arises when the Jokowi's government has a policy direction to mainstream marine development through the maritime axis, emphasizing infrastructure development such as airports, ports, and attracting Javanese-centric development to Indonesia-centric, namely building from the periphery [9].

In subsequent developments, the autonomy policy as mandated in Article 18, Article 18A and Article 18B of the amendments to the Constitution has encountered several problems, including: *first*, improper understanding towards autonomy among local communities. Autonomy is understood as "borderless" regional freedom to regulate and manage self-government affairs. *Second*, it has caused disharmony of relations between the Central Government and Regional Governments, as well as between regional governments. *Third*, it has led to regionalism. Last, if the policy of autonomy is not anticipated as widely as possible can lead to national disintegration at a certain level.

CONCLUSION

Based on the description above, it can be concluded that the implementation of autonomy policies in the course of the development of government in Indonesia experienced several emphases, first, being the autonomy policy, second, the policy of autonomy is broad, real, and responsible, and third, the broadest autonomy policy. In addition, it can also be concluded that in the implementation of autonomy policies, there are several problems faced, including *first*, understanding improper autonomy among local communities. Autonomy is understood as "borderless" regional freedom to regulate and manage self-government affairs. *Second*, it has caused disharmony of relations between the Central Government and Regional Governments, as well as between regional governments. *Third*, it has led to regionalism. Last, if the policy of autonomy is not anticipated as widely as possible can lead to national disintegration at a certain level.

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