VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

Various Forms of Regional Policy Supervision in the Era of Broad Autonomy

Meldy PUTERA[1], Siska SISKA[2], Yayu DEWIATI[3], Erikjon SITOHANG[4], Mutia Evi KRISTHY[5], Jovi JOVI[6], Doddy DODDY[7]

[1,2,3,4,5,6,7]Master of Law, University of Palangka Raya

Article Info:

Article History:
Received: 2023-02-05
Revised: 2023-03-23
Accepted: 2023-04-18

Keyword:
Supervision, Autonomy, Government.

Corresponding Author:
Meldy Putera

Email:
mihupr@fh.upr.c.id

Paper Type:
Research Paper

Abstract:

Purpose:
Following abolishing all controlling measures except repressive control, decentralisation triggered fundamental changes in local government administration. Tight control may obstruct regions' autonomy and hamper central-regional relations. Proportional control is indispensable for balancing local governments' freedom. All monitoring measures outside Act 32/2004 are unwarranted without improvement of legal instruments at the central government.

Methodology:
The method in the given text revolves around the historical analysis and constitutional references to explain the concept of autonomy in the Indonesian regional government system. It highlights the evolution of autonomy from the 1950 Provisional Constitution to the 1945 Constitution amendments, emphasizing the need for autonomy to prevent secessionist tendencies.

Findings:
Supervision in autonomy serves as a crucial control tool, impacting regional freedom and either fostering autonomy or promoting centralization, contingent on the government system. Historical patterns reveal strict centralization in regional policies, limiting regional autonomy.

Implication:
In a unitary state, centralization is intrinsic to unity, necessitating supervision. Effective governance requires proportional and consistent legal provisions to avoid conflicts between regional and sectoral laws. The revision of Law No. 32 of 2004 calls for emphasizing diverse supervision forms over regional policies, assessing their soundness based on factual regional conditions for successful broad autonomy implementation.

Cite this as PUTERA, M., SISKA, S., DEWIATI, Y., SITOHANG, E., KRISTHY, M. E., JOVI, J., DODDY, D. (2023). "Various Forms of Regional Policy Supervision in the Era of Broad Autonomy." Journal of Political and Legal Sovereignty, Volume (1), Issue (2), Page (92-105)

INTRODUCTION

As a nation in a transition period, the Government has repeatedly changed regional government regulations, which are a form of searching for a regulatory content format suitable for the Unitary State of the Republic of Indonesia (NKRI). Contents of Law No. 22 of 1999 concerning Regional Government, one of the transitional legal products, fundamentally changes the regional government administration system from centralized to utterly decentralized for districts and cities. This change occurred almost without any transition process1. UU no. 22 of 1999 only provides normative provisions for the effective period of the law to be two years from its promulgation. Within two years, it is doubtful that the decentralization process will be able to run effectively because all available legal institutions are, in principle, still based on a centralized system.

In the name of complete decentralization, regions have formed various policies. However, their orientation is only on increasing regional income to support the financing of the authority that has been handed over. The policy formation process, whether in the form of regional regulations (perda) or their derivations (regional head decisions or regulations), needs to pay more attention to the possible impacts and consistency of policies related to higher laws and regulations. The adage lex superior derogatlegiinferiori principle is set aside in the name of autonomy.

The (central) government has no power to supervise regional policies. The pattern of coordination between regional government units deliberately developed by Law No. 22 of 1999 has been misinterpreted as a

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

form of separation that presents the country as a federal arrangement. Each autonomous regional unit becomes an independent/free region regardless of its relationship with a higher government unit (province). In the formation of regional regulations, there is no longer any supervision as was in effect when the New Order regime (Orba) was in power, namely preventive supervision, which required approval from the Center before the regional regulations were enforced, and repressive supervision, which functions to cancel regional regulations that conflict with higher laws and regulations.

The duties and responsibilities of the Governor it is a standard monitoring system that should be applied to autonomous regions in the Republic of Indonesia system. The center has reintroduced the monitoring system for regional policies implemented during the New Order era. The regions see this system as having shackled regional independence/freedom, which has just been felt in implementing the broadest possible autonomy as mandated by Article 18 of the amendment to the 1945 Constitution. This shackle is felt strongly because various forms of Central supervision follow them through instruments outside the provisions of Law No. 32 of 2004. Regions are now reluctant to make policies needed to deliver public services.

With the support of secondary data and a juridical-normative approach, this article will explain qualitatively the various forms of development of patterns of supervision over regional policies, especially regional regulations, during the period of broad autonomy. This study focuses more on the conditions that developed after the reform era.

METHODS

The term autonomy is something in Indonesia's regional government administration system. This term was first adopted in the 1950 Provisional Constitution (UUDS). It is stated directly in Article 131, paragraph (2) of the 1950 UUDS, "Regions are given the widest possible autonomy to manage their households." From the results of the second amendment to the 1945 Constitution, we found the term "widest autonomy" used as stated in the UUDS, which states, "Regional governments exercise the widest possible autonomy unless government affairs regulated by law are determined to be central government affairs."

The two Constitutions above do not provide the broadest possible explanation of the meaning of autonomy. When referring to historical settings, the adoption of this term has similarities. Before the UUDS was implemented, the conditions for implementing regional government had a centripetal pattern, which gave birth to a centralized government. Everything is centralized by making the regional head the sole organ of supervision in the region. The term widespread autonomy reappeared in the amendments to the 1945 Constitution, also based on similar conditions, namely the method of excessive centralization.

In the absence of clarity on the meaning of 'widely,' the negative interpretation always arises that autonomy threatens national integration. This interpretation is only partially because autonomy is an instrument that undermines the Republic of Indonesia. With autonomy, regions can regulate and manage their government and feel that they are given a proper place in the life of the nation and state so that there will be no reason to separate themselves from the ties of the Republic of Indonesia.

In fact, without autonomy, the opposite will happen. In 1997, when the tide of reform against centralization rolled in, several autonomous regions with a wealth of natural resources proposed becoming independent countries because they felt it would be easier to achieve social welfare.

The broadest possible autonomy does not mean that the regions will regulate and manage far more government affairs than the Center. The emphasis of broadest autonomy is not on the number of regional affairs but on the freedom of regions to organize and manage their interests. In a pluralistic Unitary State, there are differences in interests, needs and implementation methods, which can only be served well if there is a constitutional guarantee of the broadest possible regional autonomy. The most comprehensive possible autonomy can only be implemented if it is followed by decentralization, namely the transfer of government authority to regulate and manage government affairs.

As a nation that adheres to the principle of vertical distribution of power, it is desirable to have decentralization, which distributes authority to regional governments by handing over affairs. This decentralization should be followed by autonomy so it does not quickly become a centralized system.

Centralization is not bad, but it has a weak side that can kill the values of democratization. Hans Kelsen said, "Decentralization allows a closer approach to democracy than centralization." Learning from the living conditions of the Indonesian people who have been shackled to the centralization of power for a long time, the

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

choice of decentralization with its various advantages will be much better because it can prevent the accumulation of power that tends towards tyranny, provide opportunities for the people to participate in government and train themselves in exercising democratic rights; and encourage government efficiency. Matters that local governments more properly manage are handed over to their respective authorities, while matters that are more appropriately handled by the central government remain handled by the center.

The advantages of decentralization do not mean that it is one size fits all. Decentralization is not a value-free choice because interest factors also color efforts to make it happen. Therefore, placing decentralization as a panacea or medicine for all diseases and problems, in reality, is often only achieved if it is prepared with careful design and implementation. Looking at the condition of the Indonesian nation changes to regional government laws and the restructuring of various related regulations and institutional systems are needed in the transition period to encourage the pendulum's swing from a centralized system to a decentralized system. If this continues, the mindset developed so far that centralization and decentralization are not dichotomous can be changed.

Dichotomizing centralization and decentralization is impossible, especially in administering government within the Republic of Indonesia. Therefore, these two things must be realized in combination.

All systems of government involve a combination of centralized and decentralized authority. However, finding a combination of central control and local authority that satisfies regime needs and popular demands is a persistent di-lemma for governments. Centralization and decentralization are not attributes that can be dichotomized; they represent hypothetical poles on a continuum that many different indicators can calibrate.

Within the framework of implementing complete decentralization according to Law No. 22 of 1999, the legislators removed various forms of supervision of regional government because they considered it an embodiment of centralization. Of all the laws regulating regional government, this is the first time there is a law that eliminates monitoring mechanisms for regional government. Freedom of autonomy does not mean without supervision. There cannot be an autonomous system that eliminates supervision. Freedom of autonomy and supervision are two sides of one page in autonomy. These two sides maintain the pendulum balance between the tendency towards decentralization and centralization, which can swing excessively.

When the reform era rolled around in 1998, moving towards a highly decentralized system was unavoidable. The elimination of all instruments of central supervision over regions seen as reducing the degree of freedom is one form of this.

RESULTS AND DISCUSSION

Urgency of Regional Policy Supervision. Regional regulations, as one of the regional policies, have a very strategic meaning in implementing the contents of regional autonomy. In Law No. 10 of 2004 concerning the Formation of Legislative Regulations, regional regulations are defined as statutory regulations formed by the Regional People's Representative Council (DPRD) with the joint approval of the regional head. The hierarchical position of regional regulations is as follows:

1. The 1945 Constitution of the Republic of Indonesia
2. Government Regulations instead of Laws;
3. Government Regulations;
4. President regulation;
5. Region Regulations.

The recognition of the Regional Regulation as a statutory regulation placed in the hierarchy of new statutory regulations occurred in line with the current strengthening of regional autonomy as first stipulated in MPR Decree No. III/2000 concerning Sources of Law and Sequence of Legislative Regulations -invitation. Article 3, paragraph (7) determines that regional regulations are regulations to implement the legal rules therein and accommodate the special conditions of the area concerned.

Regional regulations are a type of statutory regulation falling under Law/Perpu, PP, and Presidential Decree. From the perspective of its formation, regional regulations are similar to laws because they are formed by the people's representative institutions and regional heads, so they can be called legislative products. The difference between a law and a regional regulation is only in the scope of the area in which it applies. Laws apply nationally, while regional regulations only apply in the relevant regional government area.

Apart from being regulated in Law No. 10 of 2004, the formation of regional regulations is also accommodated in Law No. 32 of 2004. When put side by side, the contents of these regulations can rub

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

together. One of the frictions that occurred was related to the regulation of the content of the regional regulations. In the provisions of Article 136 of Law no. 32 of 2004, the formulation of the content of the regional regulations was narrowed to:

1. The regional head stipulates regional regulations after obtaining joint approval from the DPRD;
2. Regional regulations are formed in the context of implementing provincial/regency/city regional autonomy and assistance tasks and
3. As mentioned in paragraph (1), the regional regulations elaborate on higher laws and regulations considering each region's unique characteristics.

Meanwhile, the scope of regional regulation content according to Law No. 10 of 2004 is broader, namely covering:

1. Material regarding the implementation of regional autonomy and assistance tasks
2. Material that accommodates regional-specific conditions and
3. Material that further explains higher levels of legislation.

The explanation intended by Law No. 10 of 2004 does not mean that the regional regulations directly explain the content of the Constitution because each legal regulation that has been hierarchical has its content limitations. The constitutional basis for the formation of all laws and regulations is the Constitution; however, for further implementation, the contents of the Constitution are only ordered in the form of a law. The content material of the PP is to implement the Law as it should (Article 5 paragraph (2) of the 1945 Constitution), while the content material of the Presidential Decree is material ordered by the Law or material to implement the PP. With this content limitation, it means that higher statutory regulations that can be implemented by regional regulations in a hierarchical manner include Laws, Government Regulations, and Presidential Regulations, including Ministerial Regulations that carry out specific government affairs. By carefully reviewing the provisions of Law No. 32 of 2004, regional regulations merely carry out orders from higher regulations. This arrangement will have implications for the pattern of supervision of regional policies.

In general, three types of supervision have been carried out by the Government, namely general supervision, preventive supervision, and repressive supervision. General supervision is carried out by the Minister of Home Affairs and the Governor/Regent/Mayor in their capacity as representatives of the Government in the region concerned. The Minister of Home Affairs or an appointed official has the authority to conduct investigations and examinations regarding all matters concerning regional government work, regional household affairs, and assistance duties. Likewise, the Governor (Regional Head) has the authority to do the same thing with the Level II Regional Government (Regency/City). For this general supervision, the Regional Government must provide the requested information. If the region refuses to provide this information, the Minister of Home Affairs or the Governor can take action as deemed necessary. The provisions of the Law do not explain the form of this action because the regulation is left to the Minister.

Preventive supervision is implemented by requiring the ratification of specific regional regulations or regional decisions before implementation. The regional regulations will be able to come into force once such approval is obtained. The Minister of Home Affairs has the authority to ratify provincial regional policies, and the Governor, as the central representative, has the authority to ratify district/city regional policies.

The contents of regional regulations that require ratification are generally regulated in almost the same way, namely:

1. Regional regulations that stipulate provisions that bind the people, provisions that contain orders, prohibitions, and obligations to do something or not to do something that is addressed directly to the people;
2. Regional regulations that contain criminal threats in the form of fines or imprisonment for violations of specific provisions;
3. Regional regulations that contain burdens on the people, for example, taxes or regional levies; and
4. Regional regulations contain provisions regarding everything that needs to be known by the public because it concerns the interests of the people, for example, regulating the procurement of debts and receivables, underwriting loans, establishing Regional Companies, determining and amending the Regional Revenue and Expenditure Budget, determining calculating the Regional Revenue and Expenditure Budget, as well as regulating employee salaries.

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

The ratification mechanism is determined by first sending regional regulations or regional decisions that still need to be implemented to the center in stages. The authorized official immediately decides to accept or reject. If rejected, the rejection and the reasons for rejection must be notified to the concerned regional government. Regional objections to rejecting ratification can be submitted to an official at a higher level than the official who refuses.

Repressive supervision is manifested in the form of suspension and cancellation of the enactment of regional regulations, including regulations that have gone through a preventive supervision mechanism. The aim is to anticipate the possibility of regions not complying with the wishes of the center, even though, in reality, this has never happened. Officials have the authority to cancel or suspend the implementation of regional regulations and regional head decisions contrary to the public interest and top-level laws and regulations. If the Governor does not exercise his authority, then this authority is taken over by the Minister of Home Affairs. Usually, the suspension period is only six months because if it is shorter, it will result in a lack of legal certainty. If, within that period, there is no decision to cancel, then the suspended provisions will regain their force and effect.

Cancellation of regional regulations and regional head decisions for reasons that conflict with the public interest or higher statutory regulations will cancel all legal consequences arising from these provisions as long as they can still be canceled. This decision must be announced in the State Gazette of the Republic of Indonesia and the relevant Regional Gazette so that everyone is immediately aware of the cancellation.

Implementing this monitoring mechanism in practice has killed regional creativity in organizing and managing regional households because regional regulations or regional heads' decisions are at the center. Through this supervision, the center can implement a pattern of uniformity in the form and content of regional regulations and regional head decisions, as happened during the New Order. As a government representative, the regional head of each autonomous regional unit must have the power and effort to reject the center's will because, ultimately, the center determines its responsibility. This condition is starting to run linearly with what is happening now because the center substantively assesses regional government performance.

Changes in Supervision Patterns. A fundamental change to the supervision system occurred when Law No. 22 of 1999 came into force. This law eliminates various forms of supervision that restrict regional freedom in implementing the broadest possible autonomy. There are no longer any restrictions on regional regulations or decisions of certain regional heads that must go through the preventive supervision mechanism. This mechanism only opens the way for central intervention in the regions. The center believes this supervision is a means of building harmonious relations between the center and the regions. However, in its implementation, this supervision eliminates the regions' freedom to realize their authority to regulate and manage their households.

In order to provide freedom to regions, the center eliminated the term preventive supervision. This term has been replaced with a repressive guidance and supervision mechanism. Guidance is more emphasized on facilitating efforts to empower autonomous regions, while repressive supervision is more emphasized on giving freedom to autonomous regions to make decisions while at the same time giving a role to the DPRD in realizing its function as a supervisory body for the implementation of regional autonomy. Therefore, regional regulations are stipulated by the body.

Only repressive forms of autonomous regions no longer require prior approval from the Government. As part of efforts to empower the DPRD, this institution is no longer an element of regional government. Therefore, regional regulations are only signed by the Regional Head, and there is no need to include the signature of the DPRD Leadership.

Apart from eliminating supervisory institutions, a new formula for the regional government system within the Republic of Indonesia was formulated in Law No. 22 of 1999: "The DPRD as the Regional Legislative Body and the Regional Government (regional heads and their apparatus) as the Regional Executive Body." This provision must be understood cautiously because there are two Legislative Bodies: the Regional Legislative Body and the Central Legislative Body. These two bodies' existence can obscure a unitary state's meaning. As stated by Kranenburg, the distinction between two legislative bodies with their respective authorities only exists in federal countries, dividing the legislative body into a central (federal) legislative body and legislative bodies from the states. In a unitary state, legislative authority is in the hands of the central legislature because the authority of the regional legislative body is based on the determination of the central legislative body in the form of a law. Thus, even though the DPRD is called the Regional Legislative Body, the authority of this body is only determined by law, which was formed by the central legislative body, so the regional regulations of each region cannot regulate

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

other authorities for this supervision. Regional regulations and decisions of regional heads that have been implemented and are generally binding are submitted to the Government 15 days after they are stipulated. If we look closely, these provisions have no juridical value because their implementation depends on the region's will. The center cannot enforce the enactment of this provision, especially if certain sanctions accompany it on the regions.

The center can cancel local regulations and regional head decisions submitted if they conflict with the public interest or higher laws and other laws and regulations. The law does not adopt a postponement or suspension mechanism as applied in the previous law. With this annulment, the regions should immediately stop implementing the regional regulations and regional head's decisions so that they do not have a negative impact. However, the formulation of the cancellation provisions in the Law is optional because, in reality, many regions continue to implement regional regulations that have been canceled.

Regions that cannot accept the annulment decision may submit an objection to the Supreme Court by 15 days after the Government issues the annulment decision after first submitting the objection to the Government. Filing an objection to the Supreme Court is a last legal effort.

In the provisions of the previous law (UU No. 5 of 1974), there was no known mechanism for deriving preventive and repressive supervision regulations. All necessary mechanisms are included in the provisions of the Law. It differs from Law No. 22 of 1999, which does not fully regulate repressive supervision mechanisms. The implementing regulations are submitted to the President. In an atmosphere of changing government paradigms, making a complete regulation in law can make it difficult for a government that has yet to prepare a thorough change agenda. The nuance of the Center's fear is evident in establishing supervision provisions. Moreover, this is the first time the Government has abandoned preventive supervision.

The provisions of Article 112 of Law No. 22 of 1999 state that "Government Regulation determines guidelines regarding the guidance and supervision of the implementation of regional autonomy." When forming statutory regulations, mentioning the provisions in a transparent PP is sufficient. However, in the formation of PP no. 20 of 2001 concerning Guidance and Supervision of the Implementation of Regional Government, as an implementation of Article 112, the provision "Taking Consideration" is formulated with a hint that "if you are not careful, the implementation of Law no. 22 of 1999 could be a threat to the integrity of the Republic of Indonesia." These signals are further elaborated in the explanation of PP No. 20 of 2001, that:

The new paradigm of decentralization opens up significant challenges for the entire Indonesian nation. Suppose the understanding of national insight needs to be corrected. In that case, it will give rise to demands that weaken national unity and unity, such as demands for the transfer of state revenue sources and even demands for regional separation from countries outside the Republic of the Unitary State system. Indonesia. Therefore, to realize firmness and consistency in the state government administration that is efficient and effective for national development and community welfare, the authority of the Autonomous Region needs to be provided with guidance and supervision to avoid the authority not leading to sovereignty.

The expression above is a form of the hierarchical relationship with each other. Government's concern about the threat of (2) As a form of interpretation of this disintegration, an old discourse. The contents of the PP extensively regulate the provisions in the Law by adding supervision norms that need to be carried out in the context of administering regional government. By emphasizing that regional government is a subsystem in the administration of state government, the Government supervises the administration of regional government, which includes:

1. Repressive supervision is carried out on regional government policies in the form of Regional Regulations, Regional Head Decrees or DPRD Decrees, and DPRD Leadership Decrees. The Minister of Home Affairs carries out the mechanism for implementing this supervision after coordinating with Departments/Departmental Government Agencies and
2. functional supervision of the implementation of regional government policies. This form of supervision is identical to the general supervision adopted by the previous law.

The implementation of these two supervisions can be delegated to the Governor as the representative of the Regional Government. However, it is impossible to implement the repressive supervision delegated to the Governor optimally because of the regional interpretation of the provisions of Article 4 paragraph (2) of Law No. 22 of 1999, which essentially states that each regional government unit is independent and has no hierarchical relationship with each other.

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

As a form of interpretation of this provision, the district/city government does not convey regional policies to the Provincial Government. It is impossible for the Governor as the government representative to take steps in the form of suggestions, considerations, corrections and improvements, and the ultimate form of medium is to cancel the enactment of regional policies because (1) Regency/City Governments feel do not have a hierarchical relationship with the provincial government unit, (2) The Provincial Government cannot be used as an example for districts/cities because in reality it also makes various regional policies that conflict with higher laws and regulations. It is only possible to obtain maximum results if the person supervising is better than the person being supervised. Even though the PP stipulates that there are sanctions for regions that do not comply with the results of supervision, these sanctions cannot be effective because, in reality, both provinces and districts/cities have committed "violations," which means they both need to be monitored. The kind of sanctions that can be imposed on regions must be regulated. Apart from determining repressive and functional supervision, the PP expands the types of supervision that can be carried out by regional government administration, namely:

1. The DPRD carries out legislative supervision following its duties and authority through hearings, work visits, the formation of special committees and the formation of working committees as regulated in the DPRD's rules and regulations and
2. public supervision carried out by the community as individuals or groups and community organizations, which can be directly or indirectly, either verbally or verbally, to ask for information, provide information, suggestions, and opinions to the central government, government - either regional or DPRD.

Further provisions for the implementation of guidance and supervision by the Government regarding the implementation of regional government should be regulated by Presidential Decree (Keppres). However, it is realized by the Decree of the Minister of Home Affairs (Kepmendagri), namely Kepmendagri No. 41 of 2001, concerning Repressive Supervision of Regional Policies. This provision has no legal basis based on the provisions of the PP but is a form of ultra vires regulation. The object of repressive supervision in the PP provisions expands the formulation regulated in Law No. 22 of 1999, which was initially only a regional regulation, becoming all regional policies in the form of regional regulations, regional head decisions, DPRD decisions, and DPRD leadership decisions. The expansion of the objects of supervision is then regulated in the Minister of Home Affairs Decree.

To facilitate the implementation of repressive supervision over all regional policies, the Minister of Home Affairs Decree divides the duties and responsibilities of the Governor as the Government's representative into:

Table 1. The Duties and Responsibilities of the Governor

Ministry of Home Affairs	Governor
• Provincial Regulation; • Governor's decisions are regulatory; • Provincial DPRD Decree regarding Order; • DPRD Decision regarding the Financial Position of DPRD Members; • Decision of the Provincial DPRD Leadership; • Regency/City Regional Regulation on Regional Taxes and Levies; • Regency/City Regional Regulation on Area Management; • Regency/City Regional Regulation concerning Abolition/Changes ofregional assets;	• Regency/city regulations and Regent/Mayor Decrees excluding taxes, levies, spatial planning, assets and third-party donations; • Regency/city DPRD Decree regarding DPRD Rules of Procedure; • Regency/city DPRD decisions regarding the financial position of DPRD members; • Regency/city DPRD leadership decision.

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

- Regency/City Regional Regulation concerning Third Party Contributions to Regional Government;
- Regent and Mayor Decrees regarding Third-Party Contributions to Regional Government;
- Regent/Mayor Decree regarding Abolition/Changes of Regional Assets.

This distribution of duties and responsibilities to the Governor is carried out as a form of deconcentration. The Minister and the Governor can cancel regional regulations or decisions within the scope of their authority if they conflict with the public interest, higher laws and regulations and other laws and regulations.

If the PP does not specify the type of sanctions that can be imposed on regions that do not comply with the cancellation of regional regulations or regional head decisions, then in the provisions of the Minister of Home Affairs Decree, these sanctions are confirmed by a written warning. If these sanctions are not complied with, the center will gradually announce the area's non-compliance to the broader community.

In reality, these sanctions are ineffective because there is rarely an official government announcement to the broader public regarding regional non-compliance with higher laws and regulations, except for a few media reports with the headline "Problematic Regional Regulations." The reason why regions do not comply with higher laws and regulations is because:

1. Enactment of Law no. 22 of 1999 was not followed by changes to various implementing regulations from various sectoral laws, which became references in regulating affairs so that regions only based the implementing regulations from Law no. 22 of 1999 And
2. Provisions on the sequence of statutory regulations as stated in the MPR Decree No. III/MPR/2000 determines the types of statutory regulations in a limited manner. Apart from the types listed in the order, the regions do not follow them, for example, Ministerial Decrees/Regulations.

Therefore, after the enactment of Law No. 22 of 1999, regulators at the regional level are reluctant to include Ministerial regulations/decisions as a reference source in the formation of regional regulations. Seeing this unfavorable condition, the Minister of Home Affairs (Mendagri), through Letter No. 188/1/434/SI, and the Minister of Justice and Human Rights in Letter No. M.UM.01.06-27 issued a circular that Ministerial Regulations/Decisions, which are regulatory, are a form of statutory regulations that remain the basis for forming regional regulations. In its development, not all regions complied with the Circular because it was seen as not binding.

Development of Regional Policy Supervision. UU no. 32 of 2004, as a replacement for Law no. 22 of 1999, made fundamental changes to forming regional regulations from previously without explicit provisions for central supervision to be more precise and more controlled. The Center secretly made the Regional Head the Regional Head again. It can be traced from the following conditions:

1. When Law no. 22 of 1999 came into force, various products implementing Law no. 5 of 1974, which is contrary to Law no. 22 of 1999, many of which have not been revoked (allowed to apply secretly), for example, PP no. 6 of 1988 concerning Coordination of Vertical Agency Activities in the Regions. The contents of the PP provisions still place Regional Heads (Governor, Regent, Mayor, District Head and Village Head) as Regional Heads, namely representatives of the Central Government in the Regions in the context of implementing deconcentration. In stages, the Regional Head is responsible to the Regional Head at a higher level;
2. PP No. 6 of 1988 should no longer apply 21 because, based on the provisions of Law No. 22 of 1999, the Regent and Mayor only carry out fully decentralized affairs, so they no longer have the position of Regional Head. The regional head's position, namely the government's representative in the region, is only delegated to the Governor22. However, PP no. 6 of 1988 was effective again after Law no. 32 of 2004. The effectiveness of this enactment can be seen from the basis for forming Permendagri No. 12 of 2006 concerning Community Early Awareness in the Regions.

As a form of confirmation that the Regional Government is a subsystem of the national government, PP No. 79 of 2005 concerning Guidelines for the Development and Supervision of Regional Government Implementation, which replaces PP No. 20 of 2001, regulates in detail the guidance and supervision mechanisms

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

for regional government. The guidance for the implementation of Regional Government is more clearly defined. Namely, the efforts made by the Government and the Governor as the Government Representative in the region to realize the objectives of implementing regional autonomy. The intended supervision is an activity process to ensure that the Regional Government runs efficiently and effectively following plans and provisions of laws and regulations. The guidance and supervision of the Regional Government carried out by the Government is an integral part of the government administration system.

Supervision over the administration of regional government includes supervision over the implementation of government affairs in the region down to village government affairs and supervision of regional and regional head regulations.

As for guidance on the implementation of regional government, it includes:

1. government coordination between government structures;
2. providing guidelines and standards for the implementation of government affairs;
3. providing guidance, supervision and consultation on the implementation of government affairs;
4. education and training, And
5. planning, research, development, monitoring and evaluation of the implementation of government affairs;
6. providing guidelines and standards for the implementation of government affairs;
7. providing guidance, supervision and consultation on the implementation of government affairs;
8. education and training, And
9. planning, research, development, monitoring and evaluation of the implementation of government affairs government.

The implementation of guidance and supervision is carried out in stages under the coordination of the Minister of Home Affairs. The Governor coordinates at the district/city level, while the Regent/Mayor, whose implementation can be delegated to the sub-district head, coordinates at the village government level. Supervised affairs include mandatory, optional and government affairs in the context of deconcentration and assistance tasks.

Law No. 22 of 1999 and No. 32 of 2004 do not use preventive or repressive supervision as in the previous law. These two laws were built on the principle of the broadest possible autonomy according to the principles of autonomy and assistance duties, so using terms that could obscure this meaning was avoided. In Law No. 32 of 2004, the two meanings of supervision are applied to forming regional policies; only different terms are used. Preventive supervision is called "evaluation," while repressive supervision is termed "clarification."

The evaluation is aimed at regional policies with specific content, namely the Draft Regional Regulations on the Regional Budget, Draft Regional Head Regulations regarding the elaboration of the APBD, Draft Regional Regulations on Regional Taxes, Draft Regional Regulations on Regional Retributions and Draft Regional Regulations on spatial planning. Before the draft is determined to be implemented, three days after it is jointly approved by the Regional Head and DPRD, it is submitted to the Government in stages. The Minister performs evaluations at the provincial level, while the Governor performs evaluations at the district/city level. Evaluations are carried out within 15 working days. This predetermined period often cannot be adhered to, so in practice, it can destabilize because the Regional Government can only implement the policy after the evaluation results are submitted back to the region.

Evaluation is part of the abstract preview procedure, namely control carried out before the relevant legal norms become publicly binding. The central government gradually assesses, tests or even rejects the content of specific regional regulations. This mechanism is implementing an executive abstract review from the perspective of a unitary state system. The central government, in stages, has the authority to control regional government units to exercise control over the running of government. Within the framework of this control, a coordination mechanism was also developed between related departments. Provisions for regional taxes and regional levies are coordinated in advance with the Minister of Finance, and for regional spatial planning they are coordinated with the Minister in charge of spatial planning affairs.

Before regional policies that burden the community come into force and are binding on the public, it is very logical to carry out a coordinated preview so that the implementation of the regional regulations is smooth in the future. Canceling regional regulations that burden the community is very detrimental because the community cannot demand the return of the rights granted due to the enactment of the regional regulations.

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

The Governor and Regent/Mayor must follow up on the evaluation results by seven working days after receiving them. If this is not followed up, the Minister can cancel the regional and regional head regulations with a Ministerial Regulation. Likewise, if the Regent/Mayor does not follow up on the evaluation results, the Governor can cancel the regional regulation with a Governor's Regulation.

Apart from evaluation, the term clarification (executive review) is also used, which means repressive supervision. This evaluation is aimed at regional policies outside the content that must be evaluated. The provisions of Law no. 32 of 2004 stipulate a clarification process along with the legal form of cancellation, namely a Presidential Regulation (Perpres):

Regional regulations are submitted to the Government seven days after they are stipulated. Government. (in terms of This is the Minister of Home Affairs) carrying out supervision against Regional Regulations to see whether the regional regulations conflict with the public interest and higher laws and regulations. If a conflict is found, the regional regulation can be canceled by Presidential Regulation.

The mechanism established in this Law was expanded by PP No. 79 of 2005 by differentiating clarifications for regional regulations and regional head regulations. Presidential Regulation determines the cancellation of regional regulations based on the Minister's proposed materials discussed by the Clarification Team. In contrast, the Minister of Home Affairs Regulation determines the cancellation of Regional Head Regulations.

The Presidential Decree on the cancellation of Regional Regulations or the Minister of Home Affairs Regulation on the cancellation of Regional Head Regulations is stipulated by 60 days after the regulation is received by the Government for Regional Regulations or received by the Minister for Regional Head Regulations.

If the Regional Regulation and Regional Head's Decree has passed the executive abstract preview, there should no longer be a need for cancellation through a clarification mechanism. However, in the provisions of Law No. 32 of 2004, the executive review mechanism remains in effect for regional regulations that have passed the executive abstract preview. It seems that the lawmakers are worried about the attitude of regional governments, which may not comply with the results of the preview, so they see the need for a review (clarification), namely the study and assessment of regional regulations and regional head regulations to determine whether or not they conflict with the public interest and more relevant laws and regulations tall. Jimly Asshiddiqie disagrees with the existence of a review mechanism for regional regulations that have been implemented because these regulations are the product of legislative institutions and executive institutions, which are both elected through general elections. Review of regional regulations already in force and binding on the general public is more appropriately carried out by a judicial institution, namely the Supreme Court.

The decision to cancel a regional or Regional Head Regulation can be appealed to the Supreme Court for areas that cannot receive it. The provisions regarding this objection are quite clearly regulated in Law no. 32 of 200430, but it is regulated again by the Minister of Home Affairs in an ultra vires manner:

Suppose the regional head cannot accept regulations regarding the annulment of regional and regional head regulations for reasons that statutory regulations can justify. In that case, the regional head can submit an objection to the Supreme Court. Suppose the objection is granted in part or whole. In that case, the Supreme Court's decision states that the regulations regarding the annulment of regional and regional head regulations are null and void and have no legal force.

The provisions of this Minister of Home Affairs Regulation should not be able to bind the Supreme Court as an independent state institution. The Supreme Court is not subordinate to the President or part of the government (executive) power, so in passing decisions regarding the annulment of regional regulations, it is not bound by the provisions of the Minister of Home Affairs Regulation but rather the Constitution or Law along with internal regulations established by the Supreme Court.

Cancellation by the Supreme Court, as regulated in Law no. 32 of 2004, is not a judicial review of regional regulations on higher laws and regulations but rather a test of the Presidential Decree regarding the annulment of regional regulations. As a type of statutory regulation as intended by Law No. 10 of 2004, regional regulations should be able to be reviewed directly by the Supreme Court. However, the Government has bypassed the route for reviewing regional regulations to the Supreme Court through the executive review route. It is not sure that this Presidential Decree can be legally justified because if it only relies on the principle of lex superiori derogat

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

legi inferiori, it is very likely that in the era of broad autonomy, many regional regulations will conflict with higher regulations, which are not yet in line with the decentralization paradigm.

In line with strengthening the principle of decentralization, PP no. 20 of 2001 does not include the forms of sanctions that can be imposed on regions. These sanctions are regulated by Minister of Home Affairs Decree No. 41 of 2001. Looking at various phenomena in the implementation of undirected decentralization in the era when Law No. 22 of 1999, then through PP No. 79 of 2005, the government determined the form of sanctions for regions to optimize the guidance and supervision function32. The government can apply sanctions in the form of restructuring an autonomous region, cancellation of official appointments, suspension and cancellation of a regional policy, administrative and financial to regional heads or deputy regional heads, DPRD members, regional officials, regional civil servants, village heads, village officials and members of village consultative bodies who commit violations or deviations in the administration of government.

Something interesting from the implementation of Law No. 32 of 2004 is that apart from implementing sanctions for regions that are "bad," they also involve institutions outside the government to follow up on the results of guidance and supervision, stating that "the results of guidance and supervision can be used as material for examination by the Supreme Audit Agency (BPK)."

Something interesting from the implementation of Law No. 32 of 2004 is that apart from implementing sanctions for regions that are "bad," they also involve institutions outside the government to follow up on the results of guidance and supervision, stating that "the results of guidance and supervision can be used as material for examination by the Supreme Audit Agency (BPK)."

UU no. 10 of 2004 applies the process of forming and enacting regional regulations mutatis mutandis by law. There are no provisions governing the evaluation process of regional regulations to higher government units in stages. Draft regional regulations that have been jointly approved by the DPRD and the Governor or regent/mayor are submitted by the leadership of the DPRD to the governor or regent/mayor within a period of no later than seven days from the date of joint approval to be adopted as regional regulations.

Meanwhile, the formulation of norms in Law No. 32 of 2004 firmly states that the formation of regional regulations is prohibited from conflicting with higher regulations and the public interest. It is challenging for regions to implement the authority to regulate and manage regional households based on the principle of absolute autonomy because what the regions depend on is no longer the Regional Government Law but sectoral legislation. However, the condition of the content of sectoral legislation still needs to align with demands for regional autonomy. It is very clearly recognized by Law No. 32 of 2004 (Article 237) that:

All provisions of laws and regulations that relate directly to autonomous regions must base and adapt their arrangements to this Law. What is meant by statutory regulations in this provision includes sectoral statutory regulations such as the Forestry Law, the Water Law, the Fisheries Law, the Agricultural Law, the Health Law, the Land Law, and the Plantation Act.

Suppose regional regulations are prohibited from conflicting with higher statutory regulations in such conditions. In contrast, these regulations have yet to be adjusted as intended by Article 237 of Law No. 32 of 2004. In that case, regional regulations are no longer formed in the context of broad autonomy but only to implement Pusa regulations.

In the development of the evaluation process, it is not only applied to specific regional regulations determined in Law No. 32 of 2004. PP no. 41 of 2007 concerning Regional Apparatus Organizations applies the exact mechanism, only using different terms. If Law No. 32 of 2004 uses the term evaluation, PP No. 41 of 2007 uses the term facilitation, which means evaluation with a preview procedure. The choice of the term facilitation is only to avoid inconsistencies in legal norms, but this method cannot be justified because it expands the provisions contained in the Law, which is the basis for the formation of PP No. 41 of 2007.33

The Government facilitates the Draft Regional Regulation on the organization of regional apparatus, which has been discussed jointly between the Regional Government and the DPRD in stages of coaching and controlling regional apparatus. The Ranperda is submitted to the Governor for district/city regional organizations and to the Minister for provincial regional organizations. Facilitation is carried out by the Minister and Governor 15 working days after the Ranperda is received.

The difference between the evaluation and facilitation of Ranperda lies in its enactment. Ranperda, which must be evaluated, can only immediately come into effect if the Government has provided the evaluation results but facilitated regional regulations; they can come into effect immediately if the facilitation period has ended. In

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

this case, the evaluation of the Draft Regional Head Regulation on APBD issued by the regional head was excluded because the DPRD needed to immediately take a joint decision with the Regional Head regarding the elaboration of the APBD in the Regional Head Regulation.34 This exception is given because the excluded Regional Head Regulations only contain the implementation of the previous year's budget, so there is minimal possibility of conflicting with the regional budget regulations that have been evaluated.

The difference between Regional Head Regulations that are exempt and receive evaluation results from the Government and those that are not lies in the draft format. For Regional Head Regulations that are evaluated, they are written in the format, "has been approved by the Minister of Home Affairs/Governor with a Letter.....dated.....number.....", while for those who did not receive the evaluation results, it was written as, "It has been submitted to the Minister of Home Affairs/Governor with a letter.....dated....number, and has passed the deadline of 30 (thirty) days".

The results of the facilitation of regional apparatus organizations must be included in the Regional Regulation. If the Regional Regulation has been implemented, it must be submitted to the Minister of Home Affairs cq. Organization Bureau no later than 15 working days for guidance and supervision again.

This tightening of supervision resulted in a regional reluctance to formulate regulations according to regional conditions. Some regions fear that the regulations will be canceled, so they prefer to apply the provisions of the higher regulations as is (copy-paste). The formation of this organization must be adjusted to consider the conditions of each region based on predetermined indicators.

Supervision of regional policies in reality is not only regulated by PP, Presidential Decree or Minister of Home Affairs Decree but also by a Circular Letter (SE) of the Minister of Home Affairs as a form of regulation.37 In the SE, there is an expansion of the meaning of clarification that all Draft Regional Regulations are harmonized by the National Human Rights Action Plan Committee (RanHAM) to obtain recommendations. Next, the Draft Regional Regulation is consulted with the Provincial Legal Bureau for district/city regional regulations and with the Ministry of Home Affairs Legal Bureau for provincial regional regulations. The problems are (1) the human resources involved in the committee do not all have the capacity to understand the scope of the content of the regional regulations, (2) There are no indicators that can be used to test whether the draft regional regulations are harmonious or not.

Supervision of Ranperda is also determined in Permendagri No. 28 of 2008 concerning Procedures for Evaluation of Draft Regional Regulations concerning Regional Spatial Planning. For the formation of regional regulations, Regional Spatial Planning is carried out through stages: (1) preventive supervision using the terms "Consultation" and "Evaluation." and (2) repressive supervision, which uses the term clarification. The consultation referred to is the synchronization and harmonization of the technical substance of draft regional regulations to be adapted to the National Regional Spatial Plan, Island/Archipelago Spatial Plan, and Provincial Regional Spatial Plan. This stage is a form of modification of supervision specified in Law No. 32 of 2004, which only requires evaluation. In connection with this consultation, the Governor submitted the Ranperda to the central agency in charge of spatial planning affairs, which is coordinated by the National Spatial Planning Coordinating Board (BKTRN) for approval. Consultations were carried out before the DPRD approved the draft. After obtaining approval from the BKTRN, the Ranperda can only be discussed and approved with the DPRD. With this mechanism, the DPRD's function is very minimal. In the end, they only agreed that there was no need for further discussion because if there was a discussion process and the results were not consistent, it would be canceled by the Center.

The intended evaluation is an effort to synchronize and harmonize the RT/RW Draft Regional Regulations so they do not conflict with higher statutory regulations, public interests, and other regional regulations. The evaluation stage is completed by submitting the Ranperda approved with the DPRD to the Minister of Home Affairs.

CONCLUSION

Supervision in autonomy is an instrument of control that can direct regions towards the goal of autonomy or, conversely, can also be a source of restraint on regional freedoms that leads to centralization. This choice depends on the country's government administration system. By looking at the history of the implementation of regional government so far, supervision of regional policies has always been carried out strictly in line with centripetal political tendencies. There is no regional freedom to realize the contents of regional households in

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

regional policies, and the Center determines everything. The various terms currently used by the government in determining regional policies show symptoms of a tendency toward centralization.

In a unitary state system, the regional government is a subsystem of state government that cannot completely abandon the aspect of centralization as an element that strengthens the bonds of unity. Supervision is an important instrument to make the system work. With supervision, the government can take action against regional governments that cannot run government well. Government supervision should occur proportionally under consistent legal provisions between the Regional Government Law and its implementing regulations and sectoral laws. Suppose it is only based on the lex superior derogat legi inferiori principle. In that case, local regulations will always be defeated even though the higher legal regulations differ substantially from the decentralization paradigm.

In revising Law No. 32 of 2004, it is time for the Government to emphasize all forms of supervision that can be carried out over regional policies. Indicators to measure the soundness of regional policies cannot only be measured normatively. However, they must be seen in the factual conditions of each region in order to implement its broad autonomy.

REFERENCE

Asshiddiqie, J. (2006). *Perihal Undang- Undang*. Konpress, Jakarta.

Budhiati, I., & Prabowo, R. A. (2023). Reflection & Projection Women's" Special Treatment" in the 2024 Election Regulations: Study of PKPU 10/2023. *Journal of Political and Legal Sovereignty, 1*(1), 21-31. https://doi.org/10.38142/jpls.v1i1.57

Brojonegoro, B. P. S. (2006). "Desentralisasi sebagai Kebijakan Fundamental untuk Mendorong Pertumbuhan Ekonomi Nasional dan Mengurangi Kesenjangan Antardaerah di Indonesia", Pidato, Upacara Pengukuhan sebagai Guru Besar Tetap Ilmu Ekonomi, Fakultas Ekonomi Universitas Indonesia, Jakarta, 18 Maret 2006.

Budiardjo, M. (1998). *Dasar-Dasar Ilmu Politik*. Gramedia Pustaka Utama, Jakarta.

Febriyanti, N. D. (2023). Legal Protection of the Patient in the Event of Occurrence of the Misdiagnosis is Connected with Law Number 8 of 1999 Consumer Protection and Law Number 29 of 2004 Concerning the Practice of Medicine (Case Study of High Court Decision DKI Jakarta Number: 624/Pdt/2019/PT. DKI). *Journal of Political and Legal Sovereignty, 1*(1), 40-43. https://doi.org/10.38142/jpls.v1i1.47

Gie, T. L. (1962). Pertumbuhan Pemerintahan Daerah di Negara Republik Indonesia, Jilid III, Gunung Agung, Jakarta.

Haris, S. (2005) Desentralisasi dan Otonomi Daerah, Kerjasama AIPI, LIPI dan Partnership for Governance Reform, Jakarta.

Hulme, D., & Mark, T. (1997). *Governance, Administration and Development,* McMillan Press Ltd., London.

Kelsen, H. (1973). *General Theory of Law and State,* New York, Russell & Russell.

Keputusan Menteri Dalam Negeri Nomor 41 Tahun 2001 tentang Pengawasan Represif Kebijakan Daerah.

Ketetapan Majelis Permusyawaratan Rakyat Sementara Republik Indonesia Nomor XX/MPRS/1966 tentang Memorandum DPR-GR Mengenai Sumber Tertib Hukum Republik Indonesia dan Tata Urutan Peraturan Perundangan Republik Indonesia.

Kreveld, Van, 1983, Beleidsregels in het recht, Vakgroup Bestuursrecht en Bestuurskunde, Groningen-Deventer, Kluwer.

Manan, B. (2001). *Menyongsong Fajar Otonomi*. PSH Fakultas Hukum UII Yogyakarta.

Mertokusumo, S. (1991). *Mengenal Hukum (Suatu Pengantar)*. Liberty Yogyakarta.

Muslimin, A. (1960). *Ichtisar Perkembangan Otonomi Daerah*. Jambatan Jakarta.

Nasution, A. B. dkk. (2000). *Federalisme untuk Indonesia,* Penerbit Kompas, Jakarta.

Permendagri No. 53 Tahun 2007 tentang Pengawasan Peraturan Daerah dan Peraturan Kepala Daerah.

Peraturan Menteri Dalam Negeri Nomor 57 Tahun 2007 tentang Petunjuk Teknis Penataan Organisasi Perangkat Daerah.

Peraturan Pemerintah Republik Indonesia Nomor 39 Tahun 2001 tentang Penye- lenggaraan Dekonsentrasi (Lembaran Negara Tahun 2001 Nomor 62, Tambahan Lembaran Negara Nomor 4095).

Peraturan Pemerintah Republik Indonesia Nomor 6 Tahun 1988 tentang Koor- dinasi Kegiatan Instansi Vertikal di Daerah (Lembaran Negara Tahun 1988 Nomor 10, Tambahan Lembaran Negara Nomor 3373).

VIKRAMA RESEARCH INSTITUTE
JPLS Journal of Political and Legal Sovereignty
P-ISSN - 2986-2523 (PRINT)
E-ISSN - 2985-6523 (ONLINE)
JOURNAL OF POLITICAL AND LEGAL SOVEREIGNTY
PUBLISHING KSI
Indexed By : GARUDA Google doi Crossref INDEX COPERNICUS ROAD ISJD Indonesia OneSearch EBSCO

Ratnawati, T. (2006). Potret Pemerintahan Lokal di Indonesia di Masa Perubahan (Otonomi Daerah tahun 2000 – 2005), Pustaka Pelajar Yogyakarta – P2P LIPI, Jakarta.

Syafrudin, A. (1982). *Hubungan Kepala Daerah dengan Dewan Perwakilan Rakyat Daerah*. Penerbit Tarsito, Bandung.

Undang-Undang Republik Indonesia Nomor 22 Tahun 1999 tentang Pemerintahan Daerah (Lembaran Negara Tahun 1999 Nomor 60, Tambahan Lembaran Negara Nomor 3839).

Undang-Undang Republik Indonesia Nomor 32 Tahun 2004 tentang Pemerintahan Daerah (Lembaran Negara Tahun 2004 Nomor 125, Tambahan Lembaran Negara Nomor 4437).

Undang-Undang Republik Indonesia Nomor 5 Tahun 1974 tentang Pokok-Pokok Pemerintahan di Daerah (Lembaran Negara Tahun 1974 Nomor 38, Tambahan Lembaran Negara Nomor 3037).