www.bircu-journal.com/index.php/birci
Budapest International Research and Critics Institute-Journal (BIRCI-Journal)
Humanities and Social Sciences
ISSN 2615-3076 Online)
ISSN 2615-1715 (Print)
Budapest Institute

Legal Politics of Regional Autonomy: The Problems of Shifting the Emphasis of Regional Autonomy

Alwadud Lule[1], Irwan Soleman[2]
[1,2]*Universitas Pasifik Morotai, Indonesia*
dutunipas@gmail.com, irwanunipas@gmail.com

Abstract

Regional autonomy is a relevant concept in a unitary state as an effort to give control to the regions to regulate and manage their own household affairs. Prior to the enactment of Law No. 23 of 2014 concerning Regional Government, the focus of full autonomy was on the districts/cities. Regency/city regions exercise autonomy, are broad, real and responsible. However, after the revision of the regional government law, the shift in autonomy was evident with the arrangement that shifted some of the district/city authority to the province. Even if we look closely, the shift in the emphasis of autonomy is not only shifting from district/city local governments to provincial governments, but the central government has implicitly withdrawn this authority. The implication is that the nature of autonomy, which actually makes the regions free and independent in administering the government, actually has dialectic in a direction that can distort the nature of regional autonomy.

Keywords
legal politics; regional autonomy; shifting autonomy

I. Introduction

The dialectic of Indonesian politics since the reformation has given birth to a myriad of hopes for the growth of true democracy. Various people's aspirations are internalized in the form of legal and political policies which are more acronyms in nature. At the level of the state concept, the format of regulating the relationship between central and local authorities is one of the struggles that drain social and political energy. The relationship between the center and the regions was revised by giving the regions the determining authority to regulate and manage their own household affairs within the framework of a unitary state. The regional autonomy policy is considered the right political choice to answer all demands as well as break through and replace the centralistic paradigm with a decentralized paradigm or broad autonomy.

Dialectic social construction on the power of DPRD members based on Peter L. Berger influenced by the socio-cultural world. Occur in three simultaneous externalization, objectification and internalization as discussed earlier. Below these three processes will be explained (Berger in Manao, H. 2020).

Politics is born and develops into the culture of a modern society.8 Borrowing Gutmann's term that identity politics is very disturbing because it grows into a group that can restrict someone from individual freedom and when someone is differentiated because of their race, ethnicity or religion they will often be hostile to other groups and even create a feeling of superiority over others. (Nurrudin, A. et al. 2019)

The broad autonomy orientation is actually to accelerate the realization of people's welfare through service improvement, empowerment, development, and community

participation. In addition, broad autonomy also provides hope for increasing regional competitiveness by taking into account the principles of democracy, equity, justice, privilege, and specificity as well as regional potential and diversity. However, the history of the Indonesian state administration has described the long journey of regional autonomy which has changed from time to time. The internal situation and conditions are the determining variables for regional autonomy policy changes. After the reformation, there were various laws and regulations that became the basis for regional autonomy, including Law no. 22 of 1999, Law no. 32 of 2004.

The granting of regional autonomy is a logical consequence of the constitutional mandate (UUD 1945) which stipulates that the state of Indonesia is divided into provincial regions and provincial regions are divided into regencies and cities where each region, both province and district and city has a regional government. This means that the provinces and districts and/or cities have the authority to regulate and manage their own government affairs without interference from the center. Thus, each province, district and city has a local government.

The granting of government affairs at all levels of regional government (provincial, district/city) may be simplified as a consequence of overlapping authorities, especially in the process of administering an autonomous government. Thus, the granting of autonomy is focused on one government area, both in the province and in the district/city. Because if all levels of government (provincial and district/city) are given significant authority to carry out regional autonomy, it will certainly lead to cheos and overlapping authorities. Post-reform, the legal politics of regional autonomy has determined districts/cities as regions that carry out broad, real and responsible autonomy.

However, the paradigm shift in the emphasis on regional autonomy occurred when the enactment of Law no. 23 of 2014 concerning Regional Government. If in the previous law the emphasis of regional autonomy was placed on regencies and cities, in this law the pendulum of regional autonomy appears to have shifted to the provinces, so that districts/cities lose some of the government affairs that were originally their authority. Of course, the shift in the emphasis of autonomy raises problems, philosophically, sociologically, and juridically.

This shift can be seen from the magnitude of the provincial authority, including the magnitude of the provincial authority over Natural Resources (ESDM), marine and archipelagic management, etc., which previously became the authority of the district/city government. In addition, the determination of the governor's authority over regencies/municipalities adds to the indications of a shift in autonomy in the provinces, including the magnitude of the provincial authority in supervising district/city governments, both in the implementation of government affairs, as well as in making regional regulations and regional head regulations, imposing sanctions on the regent/mayor if he does not carry out the governor's instructions; dismiss the regent/mayor from his position by the governor if he does not carry out the national strategic program; the governor's authority to reject the APBD proposed by the district/city government; and the obligation of the regent/mayor to submit an accountability report on the running of the government to the governor.

Besides that, if we look closely, the shift in the emphasis of autonomy is not only shifting from the district/city government to the provincial government, but the central government has implicitly withdrawn this authority. The implication is that the nature of autonomy, which actually makes the regions free and independent in administering the government, even has dialectic in a direction that can distort the nature of regional autonomy.

Ideally, autonomy that is implemented in a real and broad way is attached to one of the two levels of government by considering the effectiveness of government administration. So

that the granting of autonomy is not only functionalized to shorten the control of public services, but more than that it can also be oriented to build more realistic service interactions. Where the determination of the location of the emphasis of regional autonomy must be adjusted to how close the community is to the level of government that will carry out regional autonomy. Because the closeness of the interaction provides a great opportunity for easy identification of the basic problems of society.

In the theory of constitutional law, there are two forms of regional government units or government at the local level, namely local government administration and autonomous local government. Local government administration is a unit of local government under the central government which solely carries out the activities of the central government in the territory of the country. Local government units like this are essentially just an extension of the central government. The characteristics of local government administration are:

a. His position is representative of the central government in the regions;
b. Government affairs that are organized are essentially the affairs of the central government;
c. The administration of government affairs is purely administrative in nature;
d. Implementing government affairs is carried out by central government officials stationed in the regions;
e. The relationship between the local government and the central government is the relationship between superiors and subordinates in carrying out orders, and
f. The entire administration of government affairs is financed and uses the facilities and infrastructure of the central government.

While autonomous local government, the terminology is local government units under the central government that have the right or authority to organize their own government based on the aspirations of the local community. The characteristics of local government like this are:

a. Government affairs or government authorities carried out by autonomous local governments are affairs or authorities that have become their own household affairs;
b. The implementation of autonomous local government is carried out by officials who are employees of the local government itself. Or in other words, these officials are appointed and dismissed by the autonomous local government;
c. The administration of government affairs is carried out on the basis of one's own initiative or initiative;
d. The relationship between the central government and the autonomous local government is a relationship of control and supervision. Even if I may say is a partnership relationship.

From the terminology and characteristics of local government above, we can build an argument in relation to the emphasis on regional autonomy that each level of regional government (province, district and city) can be given autonomous authority with the consequence that other government units will be made administrative regions in order to carry out some government affairs under the authority of the central government. This means that district/city local governments can be given the authority to exercise regional autonomy and their strategic provincial areas to be made into administrative areas. Or conversely, the emphasis on regional autonomy is attached to the provincial government units, while the regency/municipal government units only carry out administrative affairs of a purely administrative nature.

II. Research Methods

In relation to this research, the authors tend to use normative juridical research, namely examining and interpreting theoretical matters concerning concepts, principles and legal norms related to the legal politics of regional autonomy. This approach is often connoted with a literature approach, namely by studying the literature, laws and regulations, and other documents that have relevance to the object of research being studied. The object of this research is covering the legal norms governing regional autonomy as well as other regulations or laws that have relevance to the legal political concept of regional autonomy.

Given that the type of research used is normative research, there are several legal materials that strengthen the direction of this research. First, primary legal materials, namely legal materials that have authority, which consist of statutory regulations that have been in force in the legal politics of regional autonomy. Second, secondary legal materials, which consist of legal books, legal journals, legal dictionaries, and other literature such as papers in seminars.

Data analysis is carried out through the process of organizing and sorting data into patterns, categories, and basic units of description so that certain themes and meanings can be found. From the legal material obtained, both primary and secondary, it will be processed and analyzed systematically, then relevant to the theory related to the problem under study.

III. Result and Discussion

3.1. Regional Autonomy Emphasis: Open Legal Policy of the 1945 Constitution

In the constitutional perspective, the emphasis on regional autonomy is not explicitly or implicitly regulated. This is identified from Article 18, Article 18A, and Article 18B of the 1945 Constitution which are the constitutional sources for the administration of regional government. The constitution does not clearly state in which government unit regional autonomy is granted. Article 18 of the 1945 Constitution only stipulates that the Indonesian state is divided into provincial regions and provincial regions are divided into regencies and cities where each region, both provinces and regencies and cities has a regional government. This means that the provinces and districts and/or cities have the authority to regulate and manage their own government affairs without interference from the center. From this explanation, the provinces,

The construction of the division of Indonesia's territory into provincial areas and each province divided into districts/cities is the form of government unit desired by the constitution. In addition to regulating the division of territory, Article 18 also regulates several matters relating to regional government, including regulating and managing government affairs on their own according to the principle of autonomy and assistance tasks; each regional government unit has a Regional People's Representative Council; Governor, Regent, Mayor, each as head of regional government; exercise the widest possible autonomy except for the affairs of the central government; and regions have the right to stipulate regional regulations and other regulations to carry out autonomy and auxiliary tasks.

On the other hand, the constitution implies that the structure and procedures for administering regional government are regulated by law. Thus, the policy of focusing on regional autonomy depends on the derivation of rules for the administration of regional government. This indicates that determining the location of the emphasis on regional autonomy depends on the legislators. Because the constitution does not clearly state in which government unit the emphasis of regional autonomy is placed. This means that the provinces, regencies and cities have the same opportunity to carry out autonomy as widely as possible,

be real and responsible or implement policies as the locus of emphasis on regional autonomy. However, the legal policy of the legislators will determine the direction of regional autonomy policy.

From the explanation above, the policy of determining the emphasis on regional autonomy in provincial government units or in district/city government units is not at all contrary to the constitution. Because the constitution or the 1945 Constitution adheres to an open legal policy regarding the emphasis on regional autonomy. If the regional autonomy policy stipulates a provincial government unit that carries out autonomy to the fullest extent, then the policy is seen as not contradicting the 1945 Constitution. Vice versa, it still has constitutional value if the regional autonomy legal policy determines that strategic provincial areas are used as administrative government units, while the regencies and the city fully implements regional autonomy as broadly as possible, real and responsible.

Open legal policy the constitution, actually opens up considerable opportunities for the possibility that the pendulum of regional autonomy can be placed in the provinces and districts/cities. However, it must be considered constructively and ideally, are the provinces essentially right to be given the authority to carry out the widest, real and responsible autonomy? Or ideally, provincial areas are used as administrative government units, while districts and cities are given full authority to carry out regional autonomy.

Of course, determining the location of the emphasis of autonomy is also very dependent on the situation of the country, such as politics, economy, security and society. However, the determination also does not have to let go of the fact that regencies and cities are realistically appropriate and ideally given the widest possible autonomy, real and responsible authority. This is considered because the district/city government is relationally very close to the community. A close relationship or interaction will certainly make the district/city government understand and understand the policies and autonomy in what fields are needed by the community in their area. Meanwhile, the provincial government, in addition to its distant relationship with the community, is also a representative of the central government which ideally carries out deconcentration.

3.2. The Problem of Shifting the Center of Autonomy

In the history of the development of the Indonesian state administration, especially after the reform, the emphasis of regional autonomy is placed on the districts and cities, especially when the foundation for regional autonomy uses Law no. 22 of 1999 concerning Regional Government. This can be seen from the principle of granting autonomy which emphasizes the broadest, real and responsible autonomy. This law also stipulates that in order to implement the principle of decentralization, the inevitable step is to establish and organize provincial, district and city areas that are authorized to regulate and manage the interests of the local community according to their own initiative based on the aspirations of the community.

All levels of government are given the authority to carry out regional autonomy, including provincial areas. However, the provincial area besides being domiciled as an autonomous region is also structurally used as an administrative area to carry out government affairs that are under the authority of the central government. From this perspective, we can conclude that the implementation of the widest possible, real and responsible autonomy is actually placed in the district and city areas. This is identified from the wide distribution of government affairs given to the district and city areas. It is explicitly stated that there are 11 mandatory authorities owned by regencies and municipalities and also other authorities that are not the authority of the provincial and central governments.

After approximately five years, Law no. 22 of 1999 is considered no longer in accordance with the development of circumstances, state administration, and demands for the

administration of regional government. In response to all this, a revision of the law was carried out with the enactment of Law no. 32 of 2004 concerning Regional Government. Although it has been revised, the principle of autonomy as broadly as possible, real and responsible is still the basis for the solution to the demands of society and the domination of the center for decades. As a consequence, the emphasis of regional autonomy remains consistently attached to the district and city areas, in addition to the provincial area being given autonomy authority as well as being domiciled as an administrative area.

The granting of broad authority to district/city governments does not mean that the regions are stronger and independent of the provincial and central governments. Because in the format of regulating the relationship between the center and the regions, the steps of the regional government in its implementation are accompanied by a system or mechanism for guidance and supervision. Meanwhile, the supervisory system here functions as an instrument to bind the integrity and sustainability of the existence of the Unitary State of the Republic of Indonesia.

However, the paradigm shift in the emphasis on regional autonomy occurred when the enactment of Law no. 23 of 2014 concerning Regional Government. If in the previous law the emphasis of regional autonomy was placed on regencies and cities, in this law the pendulum of regional autonomy appears to have shifted to the provinces, so that districts/cities lose some of the government affairs that were originally their authority. Of course, the shift in the emphasis of autonomy raises problems, both philosophically, sociologically, and juridically.

Concurrent government affairs that have been determined rigidly regarding government affairs that are under the authority of the central, provincial and district/city governments normatively look very ideal. However, it cannot be denied that the regions will completely lose control over the superior resources or potentials that are in the cross-region which have been handed over to the regions to guarantee or finance the implementation of regional autonomy affairs. Moreover, selected government affairs, especially in the fields of forestry, marine affairs, and energy and mineral resources, are divided between the central and provincial governments, and government affairs in the energy sector related to oil and gas management are fully under the authority of the central government.

Thus, the district/city government automatically loses several selected areas of government affairs. This will affect the existence of regencies/municipalities which in the process of implementing government as well as increasing PAD and improving people's welfare depend on the chosen government affairs.

According to Despan Heryansyah , in fact the shift in the emphasis of autonomy is not to the provincial government but to the central government. This means that there has been a withdrawal of the authority previously held by the district/city government. Despan identified several strong things as indications that there was no shift in regional autonomy to the province but instead it was withdrawn to the central government, including, (1) every policy to be issued by the provincial government must comply with the provisions set by the central government. ; (2) natural resources and human resources at the regional level are still fully controlled by the central government; (3) all government affairs that fall under the authority of the provincial government shall not escape the supervision of the central government, even some affairs must first obtain approval from the central government; (4) the authority of the central government to dismiss the governor from his position if the governor does not implement the national strategic program; (5) the position of the provincial government as an administrative area and the representative of the central government in the region; (6) the obligation of the governor to submit an accountability report on the implementation of government affairs under his authority.

The shift in the emphasis on regional autonomy sets aside several problems that will actually affect the implementation of regional autonomy policies in Indonesia, both philosophically, sociologically and juridically. Among the problems of shifting regional autonomy, in fact, having distorted the nature of regional autonomy, there has even been a shift in the pendulum from decentralization to recentralization.

3.3. Shift in Autonomy that Distorts the Nature of Regional Autonomy.

The shift in the emphasis of regional autonomy substantially actually provides an overview of the distortions of regional autonomy. Autonomy essentially manifests a myriad of hopes for the region to determine the welfare of the community through the determination of areas of autonomy that are managed independently by the regions. Now this essence is dialectical in a direction that can distort the implementation of regional autonomy policies. Because the shift in the pressure point of regional autonomy eliminates the true nature of autonomy. This can be seen from the determination of the legal politics of regional autonomy (Law No. 23 of 2014) which places the central government through the minister who has the determining authority over the autonomous region, both in aspects of supervision, guidance, and development.

First, The authority that previously could be exercised by the regional government, was implicitly shifted to the control of the central government. Moreover, the provincial area is designed to be an administrative area, which has added a great opportunity for efforts to distort the true nature of autonomy.

The provincial government does not immediately issue policies without paying attention to the provisions that have been set by the central government. So local governments have not been given full freedom and independence to implement regional autonomy policies. So that under certain conditions, local governments are faced with a dilemma when issuing policies that are considered to be able to guarantee welfare for the community, but are collided with provisions that have been previously determined by the central government. At first glance, this is a necessity in the unitary state system as well as in the perspective of the rule of law. However, it is not impossible if this gives a high possibility of reducing the freedom and independence of the autonomous region.

Second, the shift also has implications for the implementation of broad autonomy by the province in the field of Natural Resources (SDA). Where the province has significant authority to manage affairs in the field of natural resources which was originally the authority of the district/city. The missing district/city regional authority includes making local regulations related to Energy and Mineral Resources (ESDM), granting permits, coaching and monitoring. It would be ideal if the management of SDA/ESDM was in the district/city area, especially with regard to the authority to issue permits rather than being transferred to the provincial area. The authority to grant permits in the provinces opens up the possibility of opportunities for their misuse.

It is possible that the interests of the provinces, especially the issuance of ESDM management permits, may conflict with the interests of the districts/cities. Practically what often happens in the field is that the management permit issued by the governor gets resistance from the regent/mayor or the community. This indicates that the interests of the governor are not necessarily symmetrical with the interests of the community. The authority to grant ESDM permits should be placed in the district/city area. This is because the district/city government knows more about the characteristics or conditions of the local community than the provincial areas, where interactions are far from the community.

In addition, the governor as the representative of the central government in the regions opens up opportunities for the interest of the central government in the regions. As an

illustration, the granting of a permit for the management of natural resources by the governor is an order or interest of the central government, although the governor does not agree with the management of natural resources due to various implications (environmental damage, etc.) Central government affairs This has distorted the nature of regional autonomy because the independence of the regencies/municipalities seems to be restrained by the determination of the authority of the central government in the regions.

Third,The shift in regional autonomy has increased the authority of provincial regions, especially in supervising the implementation of government affairs and making regional regulations. Regency/municipal regulations that are suspected to be in conflict with the public interest or higher laws and regulations can be canceled by the governor. Even the Minister of Home Affairs is given the authority to cancel regency/city regional regulations if the governor does not cancel regional regulations that are suspected to be contradictory. Of course, the supervision of regional regulations is still considered relevant and absolutely necessary in order to maintain the constitutional rights of the people and the sustainability of the Unitary State of the Republic of Indonesia. However, supervision of regional regulations is carried out in a directed manner and must be proportional, so as not to cause consequences for the independence and discretion of autonomous regional governments.

Ideally, the supervision of regional regulations by the Government (mendagri and governor) is limited to the executive abstract review mechanism. In the sense that the draft regional regulation before promulgation is first submitted to the Government for evaluation. So far, evaluation has not been carried out on all types of draft regional regulations, but only on draft regional regulations with special categories, such as the Raperda on APBD, APBD implementation, APBD accountability, regional taxes and levies, RPJPD and RPJMD. Meanwhile, for regional regulations that have been ratified, the testing is carried out through a judicial review mechanism by the Supreme Court.

Fourth, the governor's authority to impose sanctions and dismiss regents/mayors from their positions if they do not follow/carry out the governor's instructions and/or national strategic programs. The clause on imposing sanctions and dismissal of regents/mayors is a new norm in Law no. 23 of 2014 concerning Regional Government. The law states that one of the obligations of regional heads is to implement national strategic programs. Regional heads who do not implement the national strategic program will receive a written warning (from the president for governors and from governors for regents/mayors). Thus, the governor can also be dismissed from his position at any time if he does not carry out the national strategic program.

The mechanism is very simple. Regional heads who are found not to have implemented the national strategic program will be subject to a written warning in advance. After two written warnings have been issued and they are not heeded, the regional head will be suspended for 3 (three) months. If the regional head still does not carry out the national strategic program, the person concerned is dismissed from his position. In the perspective of state administrative law and constitutional law, normatively this clause actually raises problems. The practice of democracy in Indonesia requires regional heads to be directly elected by the people. That means the people have full sovereignty to determine who will lead them. Thus, the president and regional heads have the same source of legitimacy, namely from the people. Moreover, the president in state administrative law is not the superior of the regional head. In a democratic perspective, the people should be the holders of sovereignty or at least the people's representatives who can dismiss regional heads.

Fifth, the magnitude of the authority of the province in the field of marine and forestry. Initially, the authority in the maritime sector was divided between the central government, provincial regional governments, and district/city regional governments. Now the

district/municipality governments have lost their authority, including policy implementation, marine spatial planning, supervision and law enforcement, coordination of management and utilization, and licensing. The fishery business license is still in the district/city according to its administrative territorial authority. Supervision and law enforcement should still be in the district, the place where marine activities take place, not otherwise keep the law enforcement process away from the location where the activities take place. Likewise with the regional authority in the forestry sector. Initially, the authority was divided between the central government, provincial local governments, and district/city governments, now only given to the central government and provincial governments. The missing district/city authorities include forest inventory, forest park management, technical considerations, granting permits, and so on.

The authority of the province to manage natural resources in the sea is determined at a maximum of twelve nautical miles measured from the coastline towards the high seas and/or towards the archipelagic waters. If the sea area between two provinces is less than twenty-four miles, the authority to manage natural resources at sea is divided equally by distance or measured according to the principle of the center line of the area between the two provinces. This arrangement seems to only regulate the special authority of the provincial government. For regencies/municipalities, it is not mentioned in the division of natural resource management at sea.

In relation to regional authority in the sea area, the previous law (Article 18 of Law No. 32 of 2004) states with a general editorial, namely "regional authority to manage natural resources in the sea", and does not specifically mention whether it is a provincial area. or district/city area. Therefore, the authority to manage marine resources is the authority of the provincial and district/municipal governments, provided that the district/city area gets one third of the provincial authority area.

UU no. 23 of 2014 confirms that the management of natural resources in the sea is fully under the authority of the provincial government, while the regional government of the regency/city normatively does not have the legitimacy of managing natural resources in the sea. This is somewhat different from the regulation in the previous regional government law, which gave normative legitimacy to district/city regional governments to obtain one-third of the province's jurisdiction. Thus, the district/municipality regional government loses control of natural resources in the sea as previously it has become a potential resource in order to support the implementation of regional autonomy as well as to improve people's welfare.

Meanwhile, provincial areas with archipelagic characteristics have the authority to manage natural resources in the sea. In addition to having authority, provincial areas with archipelagic characteristics receive assignments from the Central Government in the marine sector based on co-administration tasks. The assignment can be carried out after the provincial government with archipelagic characteristics fulfills the norms, standards, procedures, and criteria set by the Central Government. To support the administration of such governance, the Central Government in preparing development planning and establishing DAU and DAK policies must pay attention to provincial areas with archipelagic characteristics.

Although provincial areas with archipelagic characteristics are given the authority to manage natural resources, on the other hand, the central government also has the authority to assign archipelagic regions to carry out government affairs in the marine sector based on the principle of assistance, even if the provinces with archipelagic characteristics meet the norms, standards, procedures, and criteria set by the central government. This provision, on the one hand, benefits provinces with archipelagic characteristics, but on the other hand, their implementation is likely to be far from perfect. Because it is possible that natural resources in

the sea that are claimed by the province characterized by islands are based on arguments that meet norms, standards, procedures, and criteria,

Some of the arrangements that indicate a shift in the authority of the autonomous regions to the central government are as follows:

1. Every policy to be issued by the provincial government must comply with the provisions set by the central government.
2. Natural resources and human resources at the regional level are still fully controlled by the central government.
3. all government affairs that fall under the authority of the provincial government cannot escape the supervision of the central government, even some affairs must first obtain approval from the central government.
4. The authority of the central government to remove the governor from his position if the governor does not implement the national strategic program
5. The position of the provincial government as an administrative area and the representative of the central government in the region.
6. the obligation of the governor to submit an accountability report on the implementation of government affairs under his authority.

Basically the division of central and regional affairs still refers to the "ultra vires doctrine" and "residual power/open and arrangement" (the concept of original power or residual power. Centralistic power is indeed more pronounced in the "ultra vires doctrine" because the authority given to the regions is detailed one by one, while "residual power" is more directed towards decentralization. Besides that, the approach to strengthening the provinces is so far away, by withdrawing the affairs that have so far been managed by the districts/cities (mining, forestry, marine and fisheries). This withdrawal does not have significant implications for the effective administration of local government. Even the shift of affairs or authority to the provinces indicates that the district/city governments have failed to carry out government affairs. So it is considered necessary and effective if the affairs are controlled by the provincial government.

If examined more deeply, the nature of regional autonomy as enshrined in the Indonesian constitution is far from being understood. The essence of autonomy actually makes the regions free and independent in administering the government, even in a dialectic direction that can distort the nature of regional autonomy. If you pay attention, the shift in regional autonomy does not only make the governor a tool for the central government to supervise regents/mayors in carrying out government affairs. Governors or provincial regions in their regulation do not have the freedom and independence as autonomous regions. Because every movement of government affairs in the provinces and districts/cities does not escape the controlled mechanism from the center.

IV. Conclusion

The shift in the pendulum of the emphasis on autonomy occurred when the implementation of Law no. 23 of 2014 concerning Regional Government. Some of the powers that were previously under the control of the district/city governments have now shifted to the authority of the provincial governments. Even if we look closely, the shift in the emphasis of autonomy is not only shifting from district/city local governments to provincial governments, but the central government has implicitly withdrawn this authority. The implication is that the nature of autonomy, which actually makes the regions free and independent in administering the government, even has dialectic in a direction that can distort the nature of regional autonomy.

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