

Constitutional Analysis of Central-Regional Government Authority Relations in Indonesia

Iskandar Syukur

Universitas Islam Negeri Raden Intan Lampung, Indonesia

E-mail: issyukur@yahoo.com

Abstract

The relationship of authority between the central and regional governments remains a constitutional issue in Indonesia due to continuing changes in regional government legislation and persistent conflicts in the implementation of concurrent governmental affairs, particularly in natural resource management, spatial planning, infrastructure development, environmental governance, and business licensing. While post-reform decentralization expanded regional autonomy, subsequent regulatory reforms have also strengthened national coordination, creating challenges in defining the limits of governmental authority. This study analyzes the constitutional framework and regulatory evolution governing central-regional authority relations in the Unitary State of the Republic of Indonesia while offering a comparative analysis of successive regional government laws to explain the shift in the distribution of governmental authority. Employing normative legal research, the study adopts statutory, conceptual, and comparative approaches by examining the 1945 Constitution of the Republic of Indonesia, Law No. 22 of 1999, Law No. 32 of 2004, Law No. 23 of 2014, Law No. 1 of 2022, and relevant legal literature. The findings demonstrate a regulatory shift from centralized governance toward broad decentralization and subsequently toward stronger national coordination through a more structured allocation of governmental affairs. The comparative analysis further reveals that although the constitutional framework provides a clear legal basis for regional autonomy, overlapping authority, inconsistent interpretation of concurrent affairs, and coordination problems continue to generate legal uncertainty across strategic sectors. These findings contribute by clarifying the constitutional evolution of authority allocation in Indonesia and suggest the need to harmonize sectoral legislation with the Regional Government Law, strengthen transitional arrangements following regulatory reforms, and establish clearer institutional coordination mechanisms to improve legal certainty and governance effectiveness.

Keywords: Authority Relations, Central Government, Regional Government, Regional Autonomy, Decentralization.

INTRODUCTION

Indonesia's geographical, demographic, and socio-cultural diversity requires a constitutional framework capable of balancing national unity with regional autonomy. Although the 1945 Constitution and successive regional government laws establish the distribution of authority between the central and regional governments, the practical implementation of this framework continues to face constitutional and legal challenges. Recurrent amendments to regional government legislation have altered the allocation of governmental affairs, creating uncertainty regarding the boundaries of authority, overlapping governmental functions, and inconsistencies across sectoral regulations, particularly in strategic sectors requiring shared responsibilities. Moreover, recent regulatory reforms demonstrate a tendency toward strengthening central coordination, raising debates over the extent to which recentralization affects the constitutional principle of regional autonomy. These issues make the constitutional relationship between the central and regional governments a continuing legal concern in Indonesia's state administration (Widodo et al., 2023).

The constitutional relationship between the central and regional governments has evolved significantly throughout Indonesia's administrative history. Before the Reform Era, governance was predominantly centralized, with regional governments functioning primarily as implementers of central government policies. Following the constitutional amendments and the enactment of Law No. 22 of 1999 on Regional Government, Indonesia adopted a broad decentralization model that substantially expanded regional autonomy. Subsequent reforms through Law No. 32 of 2004 and Law No. 23 of 2014 restructured the distribution of governmental affairs by strengthening coordination, supervision, and the role of the central government in strategic sectors. These successive legal reforms illustrate that Indonesia's decentralization framework has continuously evolved in response to changing governance needs while attempting to balance regional autonomy with national policy coherence (Suriadi et al., 2023).

The constitutional amendments adopted after the Reform Era fundamentally redefined the legal relationship between the central and regional governments. Articles 18, 18A, and 18B of the 1945 Constitution established a stronger constitutional foundation for regional autonomy by recognizing the authority of regional governments to regulate and administer their own governmental affairs while maintaining Indonesia's unitary state structure. Article 18

provides the constitutional basis for regional autonomy, Article 18A regulates the allocation of authority and financial relations between different levels of government, and Article 18B recognizes regions with special or distinctive status as well as customary law communities. Compared with the pre-amendment constitutional framework, in which regional governments primarily functioned as administrative extensions of the central government, the amended Constitution positioned regional governments as constitutionally recognized governmental entities exercising autonomous authority within the national governance system. This constitutional transformation provides the legal foundation for subsequent regional government legislation and remains central to contemporary debates regarding the distribution of governmental authority (Riyanto, 2026).

In practice, the relationship of authority between the central and regional governments continues to face significant legal and administrative challenges despite the existence of constitutional and statutory regulations governing the distribution of governmental affairs. Uncertain boundaries of authority, overlapping governmental functions, and differing interpretations of concurrent governmental affairs frequently create legal uncertainty in policy implementation and intergovernmental coordination (Sager & Gofen, 2022). These challenges have become more pronounced following successive amendments to regional government legislation, which have continuously redefined the allocation of authority between the central and regional governments. While some regulatory reforms have expanded regional autonomy, others have strengthened the coordinating and supervisory role of the central government, reflecting an ongoing shift in Indonesia's decentralization policy to accommodate changing governance needs (Wan et al., 2022).

The legal implications of these regulatory changes are particularly evident in sectors requiring shared governmental responsibilities, including natural resource management, spatial planning, business licensing, infrastructure development, investment, and national strategic projects. In these sectors, changes in sectoral regulations have frequently generated overlapping authority and competing institutional interests between the central and regional governments, affecting legal certainty and the effective implementation of public policies (Boufounou et al., 2024; Ratner et al., 2022; Chen & Ling, 2024). Furthermore, the ongoing digitalization of public administration, including the integration of government information systems and digital public services, has introduced additional challenges regarding the

allocation of governmental authority, requiring clearer legal arrangements to ensure effective coordination while preserving regional autonomy in accordance with local needs and characteristics (Wandaogo, 2022).

Despite extensive studies on regional autonomy and decentralization in Indonesia, limited attention has been given to comprehensively examining the constitutional development of authority relations between the central and regional governments alongside the evolution of regional government legislation and its implications for the implementation of governmental affairs. This study therefore addresses the following research questions: (1) How are the authority relations between the central and regional governments constitutionally regulated within the Unitary State of the Republic of Indonesia? (2) How have these authority relations evolved in governmental practice? Accordingly, this study aims to analyze the constitutional provisions governing the relationship of authority between the central and regional governments and to examine the development of their implementation in state practice. Academically, this research contributes to the development of Indonesian constitutional law by providing a comprehensive analysis of the constitutional and regulatory evolution of central-regional authority relations. Practically, the findings are expected to provide legal and policy considerations for improving the organization of authority relations between the central and regional governments in accordance with the principles of the Unitary State of the Republic of Indonesia and the need for effective governance.

LITERATURE REVIEW

Governmental authority constitutes the legal basis for the exercise of public power within the constitutional system. In Indonesia, the constitutional foundation for regional autonomy is established in Article 18 of the 1945 Constitution, which provides the basis for the creation of autonomous regions and the distribution of governmental authority between the central and regional governments. Regional autonomy relates to politics and governance, meaning self-government or "the condition of living under one's own laws." This concept emphasizes the legal capacity of a region to regulate and administer its own governmental affairs in accordance with the authority granted by law (Ibad, 2025).

Regional autonomy places greater emphasis on regional aspirations and local conditions, encompassing four principal activities: establishing regional legislation (self

wetgeving), implementing regional laws (zelf uitvoering), administering justice (zelf rechtspraak), and carrying out policing functions (zelf politie) (Maruf et al., 2024). Regional autonomy includes the right of a region to manage its own affairs within the limits of its legally assigned authority, without exercising jurisdiction beyond its territorial boundaries or interfering with the autonomy of other regions. Thus, the exercise of regional autonomy must remain consistent with the allocation of governmental authority established by law (Helwig & Sinkkonen, 2022). In this context, the distribution of governmental power may occur horizontally and vertically. Horizontal distribution refers to the separation of powers among legislative, executive, and judicial institutions based on the principle of checks and balances, whereas vertical distribution concerns the allocation of governmental authority between different levels of government within a unitary or federal state (Alam, 2023).

The distribution of governmental authority through decentralization is intended to encourage public participation and improve the effectiveness of governance, particularly at the regional level. Consequently, regional governments are granted authority not only to formulate regional regulations (zelf wetgeving) but also to administer governmental affairs (zelf bestuur) democratically in accordance with local needs and legal policies (Yi & Qiu, 2025). Therefore, the implementation of regional government cannot be separated from the principles of decentralization and regional autonomy as the constitutional basis for the exercise of governmental authority.

Article 18 of the 1945 Constitution places decentralization at the center of Indonesia's regional governance system. Etymologically, the term "decentralization" derives from the Latin words *de* (away from) and *centrum* (center), referring to the transfer or distribution of governmental authority from the central government to regional governments (Xu et al., 2026). Decentralization is the opposite of centralization because governmental authority is no longer concentrated exclusively in the central government but is transferred to regional governments for implementation in accordance with applicable laws and regulations (Altamimi et al., 2023). This understanding demonstrates that decentralization is not merely an administrative mechanism but also a constitutional instrument for regulating the relationship of authority between the central and regional governments.

Decentralization can be classified into four principal forms. The first is the comprehensive local government system, in which governmental services are administered by multipurpose

regional authorities. The second is the partnership system, whereby certain governmental functions are carried out by central government officials while others are administered by regional authorities. The third is the dual system, in which both the central and regional governments directly provide technical public services. The fourth is the integrated administrative system, where technical governmental services are delivered by the central government under the supervision of a coordinating authority (Rochmayanto et al., 2023). These forms illustrate that decentralization may be implemented through different institutional arrangements depending on the distribution of governmental authority between the central and regional governments.

The concept of autonomy originates from the Greek words *outos*, meaning "self," and *nomos*, meaning "law" or "regulation," referring to the authority to regulate and manage one's own affairs (Deberdt & James, 2024). In administrative law, autonomy encompasses the authority to formulate regulations, implement policies, administer governmental affairs, and exercise certain public functions independently within the limits established by law. Consistent with this understanding, Van Vollenhoven categorized autonomy into four dimensions: *zelf wetgeving* (making one's own laws), *zelf uitvoering* (implementing one's own laws), *zelf rechtspraak* (administering justice), and *zelf politie* (exercising policing functions) (Van Vollenhoven et al., 2013). Moch. Mahfud M.D. further explained that regional autonomy grants regions the freedom to manage their own affairs while maintaining their constitutional position as part of the national governmental system and continuing to perform functions assigned by the central government (Mahfud, 2007). Likewise, Article 1 of Law No. 23 of 2014 on Regional Government defines regional autonomy as the right, authority, and obligation of autonomous regions to regulate and administer their own governmental affairs and the interests of local communities within the framework of the Unitary State of the Republic of Indonesia (Habibi, 2025).

Based on these perspectives, regional autonomy should be understood not merely as the transfer of governmental functions but as a constitutional mechanism for allocating governmental authority between the central and regional governments. The ultimate objective of regional autonomy is to enable regions to manage governmental affairs in accordance with local needs and aspirations while remaining consistent with national interests and the constitutional principles of the Unitary State of the Republic of Indonesia. Accordingly, the

effective implementation of regional autonomy depends on a clear distribution of governmental authority, legal certainty, and effective coordination between different levels of government (Niessen, 2022).

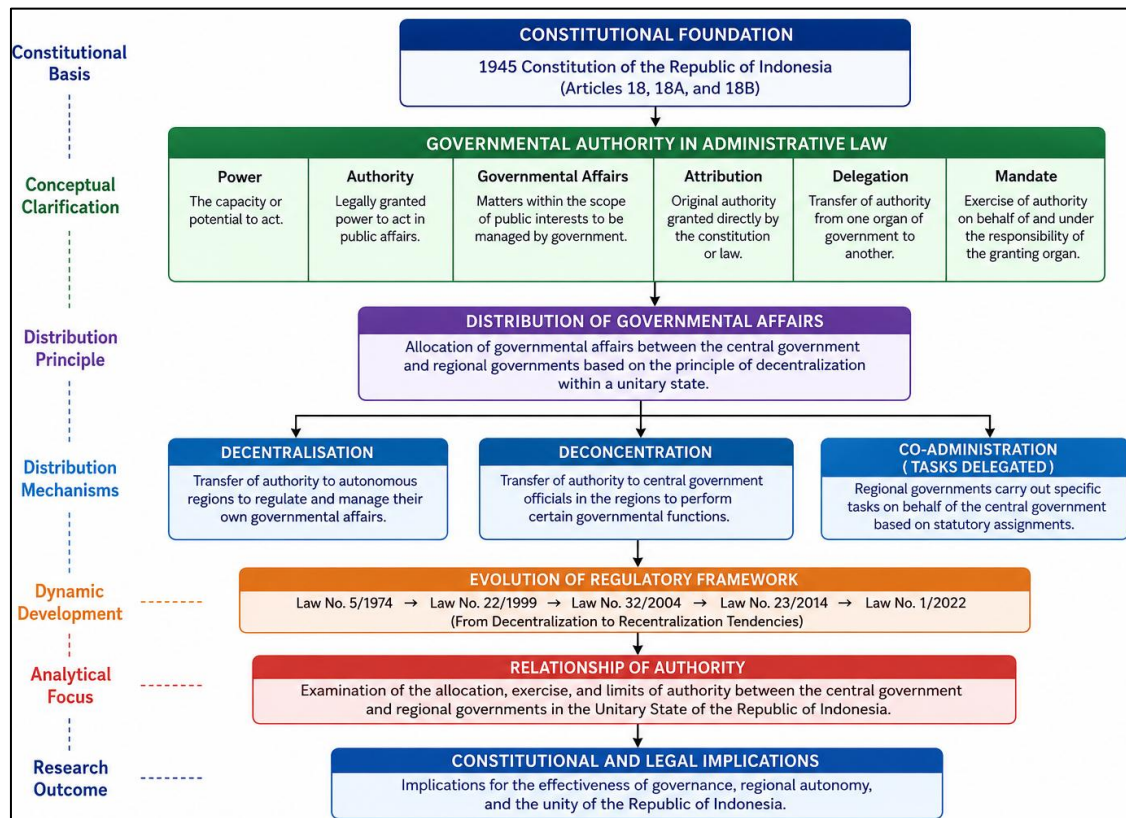


Figure 1. Analytical Framework

RESEARCH METHODS

This research employs a normative legal research method using statutory and conceptual approaches. It examines the legal norms governing the relationship of authority between the central government and regional governments within the Unitary State of the Republic of Indonesia by analyzing their conformity with the 1945 Constitution of the Republic of Indonesia and the development of regional government legislation. The primary legal materials consist of the 1945 Constitution of the Republic of Indonesia and laws governing regional government, particularly Law No. 5 of 1974, Law No. 22 of 1999, Law No. 32 of 2004, Law No. 23 of 2014, and Law No. 1 of 2022. Secondary legal materials comprise books, peer-

reviewed journal articles, and other scholarly publications on constitutional law, governmental authority, decentralization, and regional autonomy selected based on their relevance to the research objectives. The collected legal materials were analyzed qualitatively through inventory, classification, and legal interpretation using grammatical, systematic, and historical interpretation methods. Regulatory changes and potential conflicts among legal provisions were analyzed by comparing the substance of successive regional government laws with constitutional principles to evaluate the development of authority relations between the central and regional governments.

RESULTS AND DISCUSSION

Constitutional Arrangements on the Relationship between the Authority of the Central Government and Regional Governments in the Unitary State of Indonesia

The relationship of authority between the central government and regional governments is a crucial aspect of the Indonesian constitutional system. Under the Unitary State of the Republic of Indonesia, all governmental authority is fundamentally derived from the state as a single, sovereign entity. However, the vastness of the nation's territory, the diversity of regional characteristics, and the need for effective governance have led to the establishment of a regional government system, which is given the authority to regulate and manage certain government affairs. The regulation of this relationship gained a strong constitutional foundation following the amendments to the 1945 Constitution of the Republic of Indonesia, specifically through Articles 18, 18A, and 18B, which provided a new direction for the relationship between the central government and regional governments. These provisions demonstrate that regional governance is no longer positioned merely as an extension of the central government, but rather as part of the national government system, possessing specific authorities based on constitutional mandates.

The position of the central government and regional governments within Indonesia's constitutional structure is inseparable from the country's unitary nature. A consequence of this form of government is the absence of a division of sovereignty between the central government and regional governments, as is common in federal states. Sovereignty remains vested in the state as a whole and is exercised through state institutions legitimized by the constitution (Sulaiman et al., 2025). In this context, regional governments acquire authority not

through a division of sovereignty, but through the delegation and division of government affairs established by constitutional provisions and laws. Therefore, the relationship between the central government and regional governments must be understood as one within an integrated national government system, in which each level of government is responsible for realizing the nation's goals as formulated in the Preamble to the 1945 Constitution of the Republic of Indonesia.

The strengthening of the position of regional governments in the post-constitutional amendment system can be seen through the provisions of Article 18, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which grants regional governments the authority to regulate and manage their own government affairs according to the principles of autonomy and assistance. This provision demonstrates constitutional recognition of the role of regional governments as government administrators with specific areas of authority in carrying out government functions. Furthermore, Article 18, paragraph (5) of the 1945 Constitution also emphasizes that regional governments exercise the broadest possible autonomy, except in government affairs designated by law as the responsibility of the central government. This formulation demonstrates that the constitution strongly favors granting regional authority, while retaining certain strategic authorities for the central government to safeguard the integrity of the state and national interests. However, the constitutional recognition of the principle of the "broadest possible autonomy" does not imply that regional governments possess unlimited authority. Article 18 paragraph (5) must be interpreted systematically alongside Articles 18A and 18B of the 1945 Constitution, which emphasize the unity of the state while recognizing regional diversity. Consequently, although the legislature is authorized to determine governmental affairs reserved for the central government, such authority is not unlimited. Any recentralization of governmental affairs through legislation must remain consistent with constitutional principles, including broad regional autonomy, regional diversity, local democracy, subsidiarity, and the objective of ensuring effective public service delivery. Therefore, statutory changes that reallocate governmental authority should be constitutionally justified and proportionate rather than based solely on administrative or political considerations.

Furthermore, the constitutional provisions regarding the relationship of authority between the central government and regional governments are strengthened through Article

18A paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that the relationship of authority between the central government and provincial, district, and city governments is regulated by law, taking into account the specific characteristics and diversity of each region. This provision is crucial because it provides the constitutional basis for the development of various regulations governing the division of governmental authority. At the same time, the constitution also requires that the regulation of these authority relationships not be implemented uniformly without considering objective regional conditions. As a highly diverse country, Indonesia requires regulations that accommodate the differing capacities, regional characteristics, and development needs of each region.

Further implementation of this constitutional mandate was realized through the enactment of Law Number 23 of 2014 concerning Regional Government and its subsequent amendments. This law serves as the primary instrument governing the division of government affairs between the central government, provincial governments, and district/city governments. Through this law, the relationship of authority is no longer understood as a simple division of tasks, but rather as a system connecting various levels of government in the administration of state affairs. Therefore, the division of authority stipulated in this law is designed to create a balance between the need for national government effectiveness and the need for flexibility in regional governance.

From the perspective of the regulating authority, Law Number 23 of 2014 divides government affairs into three main categories: absolute government affairs, concurrent government affairs, and general government affairs. Concurrent governmental affairs are further classified into mandatory governmental affairs and optional governmental affairs. Pursuant to Articles 11 and 12 of Law Number 23 of 2014, mandatory governmental affairs are divided into those relating to basic public services, including education, health, public works and spatial planning, housing and settlement areas, public order, and social affairs, and those not relating to basic services, such as labor, environmental management, transportation, investment, and women's empowerment. Optional governmental affairs, on the other hand, are allocated according to the specific potential and characteristics of each region, including sectors such as marine affairs, fisheries, tourism, agriculture, forestry, and energy resources. This classification demonstrates that the constitutional distribution of governmental authority is designed not only to allocate administrative responsibilities but also to ensure that essential

public services are delivered uniformly while allowing regional governments flexibility to develop sectors based on their comparative advantages. This division serves as an important instrument for determining the limits of authority at each level of government. Absolute government affairs are those that fall entirely under the authority of the central government, encompassing foreign policy, defense, security, justice, national monetary and fiscal policy, and religion. The placement of these matters in the central government shows that the state places national strategic interests as the main priority that must be managed centrally in order to maintain the integrity and sustainability of the state.

Beyond absolute matters, the relationship of authority between the central government and regional governments is largely determined by concurrent government affairs. These affairs form the basis for regional governance because they involve the division of authority between the central government, provincial governments, and district/city governments. In practice, the division of authority is based on the principles of accountability, efficiency, externalities, and national strategic interests. Using these principles, a governmental affair can be assigned to the level of government deemed most capable of effectively carrying out that function. Through this mechanism, the division of authority takes into account not only administrative aspects but also the impact of policies on society and the overall national interest.

The scope of government affairs under regional authority encompasses various sectors directly related to community needs. In practice, regional governments are responsible for the provision of public services, regional development, management of certain resources, education, health, public works, housing, the environment, transportation, and various other matters stipulated in laws and regulations. This authority demonstrates the crucial role regions play in realizing national development goals, as the majority of services directly affecting the community fall within the scope of regional authority. This arrangement reflects the constitutional principle of subsidiarity, whereby governmental affairs are allocated to the level of government best positioned to provide efficient and effective public services while maintaining national coherence. Therefore, the success of national governance cannot be separated from the effectiveness of the implementation of the authority held by regional governments.

Although regions are granted considerable authority, the constitution and laws still place the central government as the holder of final responsibility for governance. Law Number 23 of 2014 authorizes the central government to establish norms, standards, procedures, and criteria as guidelines for the implementation of government affairs by regions. Furthermore, the central government also has a coaching and supervisory function to ensure that the implementation of regional authority remains within the national legal framework and does not conflict with the interests of the state. These regulations demonstrate that the granting of authority to regions does not eliminate the central government's role as the primary controller of governance within a unitary state. The supervisory powers of the central government therefore function not only as administrative control but also as a constitutional mechanism for preserving the integrity of the Unitary State of the Republic of Indonesia. Nevertheless, the exercise of these supervisory powers should not result in excessive recentralization that diminishes the constitutional guarantee of the broadest possible regional autonomy. Accordingly, maintaining an appropriate balance between national oversight and regional self-government remains one of the principal constitutional challenges in the implementation of regional governance.

Development of the Regulation of the Authority of the Central Government and Regional Governments in Legislation

The development of the authority structure between the central government and regional governments within the Indonesian constitutional system demonstrates a significant shift in policy orientation over time. These changes are inextricably linked to the state's need to adapt its governance model to social, political, and economic developments, as well as public demands for more effective public services. Within the context of constitutional law, the authority structure between the central government and regional governments is one aspect that continues to be refined through various amendments to laws and regulations. These changes are essentially an effort to find a balance between the needs of regions to administer government affairs independently and the central government's need to maintain national policy unity within the framework of the Unitary State of the Republic of Indonesia.

Before the constitutional reforms, the authority structure between the central government and regional governments tended to demonstrate central government

dominance in various areas of government. This pattern was reflected in various regulations in effect at that time, where the majority of strategic decision-making rested with the central government. Regional governments primarily acted as implementers of policies established by the central government (Kuhlmann et al., 2024). Consequently, regional autonomy in determining development directions according to the needs and characteristics of their respective regions was relatively limited. This condition then gave rise to various demands for restructuring the relationship of authority so that regions have a greater role in the administration of government.

Major changes began to emerge after the reforms, which brought a spirit of decentralization to state governance. Amendments to the 1945 Constitution of the Republic of Indonesia provided a stronger constitutional foundation for regional governance, particularly through Articles 18, 18A, and 18B. These provisions were then followed up by the establishment of various regulations governing regional governance, with an orientation that provided greater latitude for regions in managing government affairs. The policy direction developed during this period demonstrated efforts to bring public services closer to the community while simultaneously increasing regional participation in the national development process.

A significant milestone in the development of regional governance regulations was the enactment of Law Number 22 of 1999 concerning Regional Government. This law introduced a fundamental change compared to previous regulations, granting regions broader authority. Under its regulations, district and city governments gained a stronger position in administering various government affairs. This policy was born in response to the need to strengthen regional capacity in managing various issues directly related to the interests of local communities. Through these regulations, the relationship between the central government and regional governments underwent a significant change compared to the pattern that had developed in the past.

The next development was marked by the enactment of Law Number 32 of 2004 concerning Regional Government. This regulation demonstrated adjustments to various issues that had arisen in the implementation of previous policies. The government sought to create a better balance between the granting of authority to regions and the need to maintain effective national governance. In this context, the relationship between the central and

regional governments began to shift toward a more coordinated pattern by strengthening the central government's guidance and oversight functions over regional governance. This change demonstrated that the granting of broad authority to regions must remain within a control framework that allows for the achievement of overall national goals.

More comprehensive changes were then made through the enactment of Law Number 23 of 2014 concerning Regional Government, which replaced Law Number 32 of 2004. This regulation remains one of the most important legal instruments governing the division of authority between the central government, provincial governments, and district/city governments to date. Its preamble emphasized that the previous regulations were no longer fully aligned with evolving circumstances, state administration needs, and the demands of regional governance, necessitating the creation of new regulations that were more responsive to these changes.

To provide a more systematic overview of the development of authority arrangements between the central and regional governments, the following presents a comparison of the main characteristics of several regional government regulations that have become important milestones in the development of decentralization policies in Indonesia.

Table 1. Development of the Regulation of the Authority of the Central Government and Regional Governments in Legislation

Regulation	Policy Orientation	Position of the Regional Government	Characteristics of Central-Regional Relations
UU no. 5 of 1974 concerning the Principles of Government in the Regions	Centralization of government	Regions play a greater role as implementers of central policies	The dominance of the central government is very strong
Law No. 22 of 1999 concerning Regional Government	Broad decentralization	Regencies/cities have very large powers	Regional authority was significantly expanded
Law No. 32 of 2004 concerning Regional Government	Decentralization with strengthening coordination	Regions still have autonomy, but central supervision is strengthened.	Emphasizing the balance between autonomy and national control
Law No. 23 of 2014 concerning Regional Government	Reorganization of the division of authority	Authority is divided in more detail between the central, provincial,	Strengthening national coordination through a more structured division of affairs

		and district/city governments.	
Law No. 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments	Strengthening national fiscal synergy	Regions receive more integrated fiscal support	Central-regional relations are strengthened through more harmonious financial management.

Table 1 demonstrates that the regulation of authority relations between the central government and regional governments has evolved through several distinct legislative phases rather than following a simple linear transition from centralization to decentralization. Each legislative reform reflects changing constitutional and administrative priorities in balancing regional autonomy with the need to preserve national unity and effective governance. Consequently, the development of regional government legislation represents not only changes in administrative policy but also continuing efforts to adjust the constitutional allocation of governmental authority in response to political, economic, and institutional developments within the framework of the Unitary State of the Republic of Indonesia.

The legislative framework established under Law No. 5 of 1974 reflected a highly centralized model of governance in which regional governments primarily functioned as administrative extensions of the central government. This approach was substantially transformed by Law No. 22 of 1999, which introduced broad decentralization centered on district and municipal governments. The law transferred most concurrent governmental affairs directly to districts and municipalities, significantly expanding their authority in delivering public services and implementing regional development. This reform marked a fundamental shift in Indonesia's decentralization policy by reducing hierarchical administrative control and strengthening local government autonomy.

The enactment of Law No. 32 of 2004 maintained decentralization as the principal constitutional approach while reinforcing coordination and supervision by the central government. Although regional governments retained broad authority over governmental affairs, stronger supervisory mechanisms were introduced to improve policy consistency, administrative accountability, and coordination among different levels of government. Accordingly, this legislative period represented a transition from expansive decentralization

toward a more balanced model combining regional autonomy with stronger national oversight.

A further adjustment occurred through Law No. 23 of 2014 concerning Regional Government. This law reorganized the distribution of governmental affairs by classifying them into absolute governmental affairs, concurrent governmental affairs, and general governmental affairs, thereby providing greater legal certainty regarding the constitutional allocation of authority. At the same time, the central government was assigned a stronger role in establishing norms, standards, procedures, and criteria (NSPK), as well as exercising guidance and supervision over regional governments. These arrangements demonstrate that decentralization under Law No. 23 of 2014 was not intended to reduce regional autonomy generally but to improve consistency, accountability, and effectiveness in the implementation of governmental affairs.

Unlike Law No. 22 of 1999, which concentrated authority at the district and municipal levels, Law No. 23 of 2014 redistributed several governmental affairs to provincial or central government authorities based on the principles of accountability, efficiency, externalities, and national strategic interests. Significant changes occurred in sectors such as mineral and coal mining, forestry, marine affairs, secondary education, spatial planning, and several licensing functions. For example, the authority to administer senior secondary education was transferred from district and municipal governments to provincial governments, while the management of mining and forestry became more centralized to ensure uniform regulation and stronger supervision. These developments illustrate that the evolution of authority arrangements reflects not only administrative considerations but also constitutional efforts to balance regional autonomy with the need for integrated national governance.

The evolution of regional government legislation has also been accompanied by several amendments to Law No. 23 of 2014. Initially amended by Law No. 2 of 2015 and subsequently by Law No. 9 of 2015, the law has also been affected by subsequent legislation governing particular sectors of public administration. Rather than fundamentally altering the constitutional framework of decentralization, these amendments primarily refined institutional arrangements, clarified the allocation of governmental affairs, and strengthened coordination between different levels of government.

In addition, several provisions relating to the implementation of governmental affairs have been influenced by sector-specific legislation. Fiscal governance, for example, was substantially restructured through Law No. 1 of 2022 concerning Financial Relations between the Central Government and Regional Governments, which replaced the previous framework governing regional taxes and levies while strengthening fiscal coordination between the central and regional governments. Consequently, the relationship of authority between the central and regional governments should be understood not only from the perspective of administrative competence but also through the fiscal framework that determines the capacity of regional governments to perform their constitutional functions.

From the perspective of regional government, these legislative developments have produced both opportunities and challenges. Regional governments continue to enjoy constitutional legitimacy to regulate and administer governmental affairs under the principle of regional autonomy. Nevertheless, increasing national priorities relating to strategic development, investment, natural resource management, public service standards, and fiscal integration have strengthened the coordinating and supervisory role of the central government. As a result, the contemporary model of decentralization in Indonesia reflects a constitutional balance between regional self-government and national policy integration rather than an unrestricted expansion of regional authority.

From a constitutional perspective, these legislative developments remain grounded in the framework established by the 1945 Constitution of the Republic of Indonesia. Article 18 paragraph (5) recognizes the principle of the broadest possible regional autonomy while simultaneously permitting legislation to reserve certain governmental affairs for the central government. Likewise, Article 18A paragraph (1) expressly mandates that the relationship of authority between the central and regional governments shall be regulated by law. Accordingly, the successive reforms of regional government legislation represent constitutional implementation rather than constitutional departure. Nevertheless, legislative discretion in reallocating governmental affairs should remain consistent with constitutional principles of broad regional autonomy, regional diversity, local democracy, subsidiarity, and effective public service delivery, thereby ensuring that any process of recentralization remains constitutionally justified and proportionate.

Problems in Implementing the Authority Relationship between the Central Government and Regional Governments

Although the relationship of authority between the central government and regional governments has a clear constitutional basis through the 1945 Constitution of the Republic of Indonesia and is further elaborated in various laws and regulations, its implementation continues to face legal and administrative challenges. These challenges arise not only from the complexity of allocating governmental affairs among different levels of government but also from regulatory changes that require adjustments in institutional responsibilities. Consequently, the implementation of regional autonomy frequently involves disputes concerning the scope of governmental authority, institutional coordination, and legal certainty.

One of the principal implementation problems concerns the transfer of authority in the mining sector following the enactment of Law No. 23 of 2014 concerning Regional Government. Prior to the enactment of this law, district and municipal governments possessed authority to issue mining business permits under the prevailing regulatory framework. Following the redistribution of governmental affairs, this authority was transferred to provincial and central governments. While the policy was intended to strengthen supervision and improve governance of mineral and coal resources, its implementation generated transitional problems, including overlapping permits, inconsistencies between the Regional Government Law and the Mineral and Coal Mining Law, and uncertainty regarding the status of previously issued mining licenses. These issues also resulted in numerous public complaints concerning mining licensing and supervision, prompting the Ombudsman of the Republic of Indonesia to conduct systemic reviews and recommend improvements to intergovernmental coordination.

A comparable issue arose in the education sector after Law No. 23 of 2014 transferred responsibility for senior secondary education (SMA/SMK) from district and municipal governments to provincial governments. The transfer sought to improve administrative efficiency and standardize education management across provinces. Nevertheless, the implementation process required the transfer of personnel, assets, budgets, and administrative responsibilities, creating coordination challenges during the transition period. The constitutional validity of this redistribution of authority was subsequently affirmed by the Constitutional Court, which held that education constitutes a concurrent governmental affair whose allocation among different levels of government falls within the authority of the

legislature, provided that it complies with constitutional principles governing the distribution of governmental affairs.

Implementation challenges have also emerged in business licensing and natural resource administration, where regulatory authority frequently involves multiple institutions. The transfer of licensing authority in several natural resource sectors required regional governments to adjust administrative procedures while provincial and central governments assumed greater supervisory responsibilities. During the transition, differences in institutional readiness and coordination resulted in delays in licensing services and legal uncertainty for permit holders. Ombudsman reports concerning the administration of natural resource licensing similarly identified maladministration risks arising from overlapping responsibilities and incomplete coordination mechanisms between provincial and central authorities.

These case studies demonstrate that implementation problems are not solely caused by unclear constitutional provisions but also by the transition of governmental authority following legislative reform. Although Article 18A paragraph (1) of the 1945 Constitution mandates that the relationship of authority between the central government and regional governments shall be regulated by law, the implementation of new regulatory arrangements requires effective institutional adaptation and coordination among all levels of government. Changes in statutory authority therefore do not automatically eliminate legal uncertainty unless accompanied by clear transitional mechanisms, administrative guidance, and harmonized sectoral regulations.

Law No. 23 of 2014 has strengthened the role of the central government by authorizing it to establish norms, standards, procedures, and criteria (NSPK) and to supervise the implementation of governmental affairs by regional governments. These instruments provide an important legal framework for maintaining policy consistency throughout Indonesia. Nevertheless, the foregoing case studies indicate that the effectiveness of these supervisory mechanisms depends largely on institutional coordination and the capacity of governmental agencies to implement new authority arrangements consistently. Consequently, coordination remains a fundamental requirement for ensuring that the redistribution of governmental affairs achieves its intended objectives.

Ultimately, implementation problems in the relationship between the central government and regional governments have direct implications for legal certainty, public services, and national development. Delays in licensing, transitional difficulties in public service

delivery, and overlapping administrative responsibilities demonstrate that the effectiveness of decentralization depends not only on the constitutional allocation of authority but also on coherent sectoral regulation and effective intergovernmental coordination. Therefore, strengthening legal harmonization, improving transitional governance mechanisms, and enhancing coordination between the central, provincial, and district or municipal governments remain essential to ensuring that the constitutional principles of regional autonomy and the Unitary State of the Republic of Indonesia are implemented effectively.

Implications of the Relationship of Authority on the Implementation of Government and Strengthening of the Unitary State

The relationship of authority between the central government and regional governments has significant implications for governance within the Unitary State of the Republic of Indonesia. The allocation of governmental authority not only determines the distribution of responsibilities among different levels of government but also influences legal certainty, administrative efficiency, public service delivery, and the implementation of national development. In a unitary state characterized by geographical and socio-economic diversity, a balanced authority relationship enables regional governments to respond to local needs while ensuring that national policies are implemented consistently across regions.

From the perspective of regional governance, a clear allocation of authority provides legal certainty for government institutions in exercising their constitutional and statutory functions. Legal certainty enables regional governments to formulate policies, allocate budgets, and implement development program without uncertainty regarding institutional competence. Conversely, unclear authority may create administrative delays, duplicated budget planning, and conflicting policy implementation between different levels of government. Such consequences reduce governmental effectiveness and increase legal uncertainty for both public institutions and the community (Biswas & Rahman, 2023).

The implications of unclear authority can be observed in several strategic sectors following the enactment of Law Number 23 of 2014 concerning Regional Government. The transfer of mining licensing authority from district and municipal governments to provincial governments created transitional administrative challenges, including overlapping licensing procedures and uncertainty regarding previously issued mining permits. Ombudsman RI also

reported increasing public complaints concerning maladministration in natural resource licensing during the transition period, demonstrating that regulatory reform requires effective coordination as well as clear legal arrangements. Likewise, the transfer of authority over senior secondary education from district and municipal governments to provincial governments required the transfer of personnel, assets, and budgets before public services could operate effectively. These examples illustrate that institutional restructuring without adequate transitional mechanisms may temporarily reduce administrative efficiency before achieving its intended governance objectives.

The relationship of authority also directly affects the implementation of national development program. Infrastructure projects, spatial planning, natural resource management, and investment policies frequently involve more than one level of government. Where institutional responsibilities are clearly allocated, policy implementation can proceed efficiently through coordinated planning and decision-making. Conversely, overlapping authority may delay licensing procedures, prolong project implementation, and create inconsistencies between national and regional policies. Therefore, the constitutional allocation of governmental affairs contributes not only to legal certainty but also to the effectiveness of development administration.

The effectiveness of authority relations is equally important for maintaining the quality of public services. Most essential public services, including education, health, population administration, environmental management, and local transportation, fall within the responsibility of regional governments. Nevertheless, national standardization remains constitutionally necessary in sectors directly related to citizens' constitutional rights. Through the establishment of norms, standards, procedures, and criteria (NSPK), the central government ensures that minimum service standards are applied consistently throughout Indonesia while allowing regional governments sufficient flexibility to adapt implementation to local conditions. This approach reflects the constitutional balance between regional autonomy and the responsibility of the central government to guarantee equal public services across the country.

Furthermore, the implications of authority relations extend beyond administrative efficiency to the preservation of the unitary state itself. Article 1 paragraph (1) of the 1945 Constitution establishes Indonesia as a unitary state; consequently, the exercise of regional

autonomy must remain consistent with national unity and constitutional principles. The allocation of governmental authority should therefore be understood as a constitutional mechanism for improving governance rather than as a division of sovereignty. Properly implemented decentralization enables regional diversity to be accommodated while maintaining the coherence of national policies and preserving the integrity of the state.

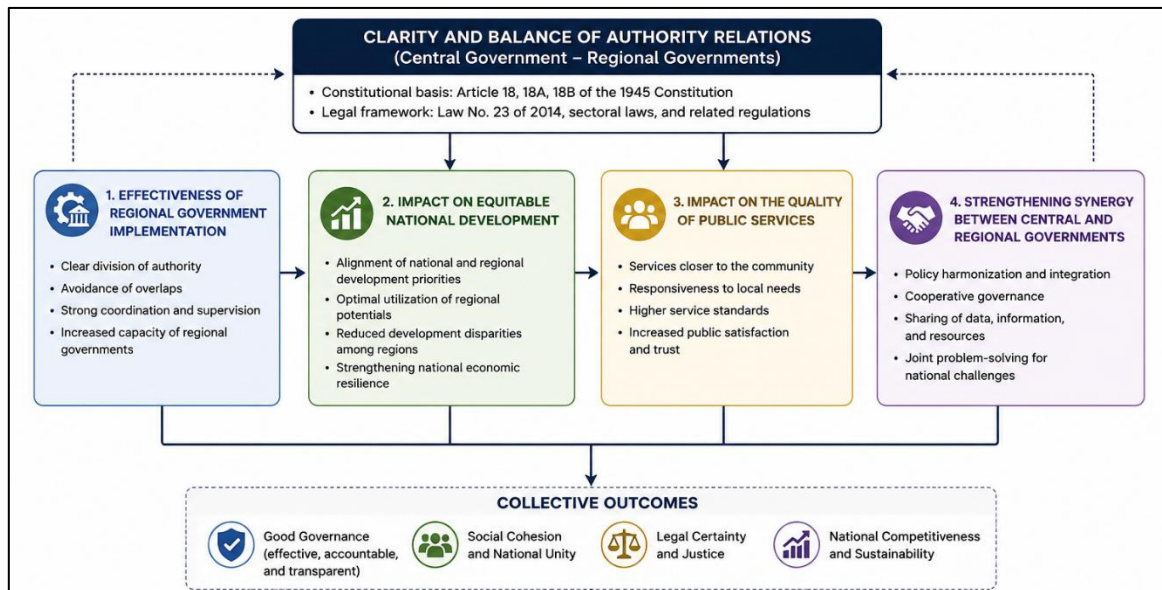


Figure 2. Implications of Authority Relations on the Strengthening of the Unitary State of the Republic of Indonesia

Figure 2 presents the authors' conceptual model illustrating the causal relationship between legal certainty in the allocation of governmental authority and the broader objectives of national governance. A clear distribution of authority strengthens institutional coordination, reduces administrative overlap, and improves policy consistency across governmental levels. These conditions contribute to more effective public services and more equitable regional development, which subsequently reinforce public confidence in government institutions and strengthen the integration of national policies. Consequently, the constitutional arrangement of authority relations performs not only an administrative function but also a strategic constitutional function in safeguarding the effectiveness of decentralization and the integrity of the Unitary State of the Republic of Indonesia.

Accordingly, strengthening the relationship between the central and regional governments requires not only clear legislation but also continuous regulatory harmonization, effective coordination, institutional supervision, and integrated government information systems. These measures minimize conflicts of authority, facilitate policy implementation, and

ensure that constitutional principles of regional autonomy are implemented consistently within the framework of the Unitary State of the Republic of Indonesia.

CONCLUSION

This study concludes that the constitutional relationship of authority between the central government and regional governments in Indonesia has evolved from a model of broad decentralization following the Reform Era towards a more coordinated system of decentralization characterized by stronger national supervision and sector-specific recentralization. While Articles 18, 18A, and 18B of the 1945 Constitution continue to provide a strong constitutional foundation for regional autonomy, successive legislative developments, particularly Law Number 23 of 2014 concerning Regional Government, have redistributed several governmental affairs from district and municipal governments to provincial or central government authorities in order to improve national coordination and public service delivery.

The findings further demonstrate that the principal challenges in implementing central-regional authority relations do not stem from the absence of legal regulation but rather from regulatory fragmentation, overlapping sectoral legislation, inadequate transition mechanisms following the transfer of authority, differences in regional institutional and fiscal capacity, and weak intergovernmental coordination. These conditions have contributed to legal uncertainty, administrative delays, inconsistent policy implementation, and varying levels of public service performance across regions.

Accordingly, future reforms should focus on harmonizing statutory provisions governing the distribution of governmental affairs, establishing a formal mechanism for resolving intergovernmental authority disputes, conducting periodic constitutional and administrative evaluations of recentralization policies, strengthening transition mechanisms whenever governmental authority is redistributed, enhancing intergovernmental coordination forums, and integrating central and regional government information systems. These measures are essential to ensure that regional autonomy continues to operate consistently with the constitutional principles of the Unitary State of the Republic of Indonesia while promoting effective governance, legal certainty, and equitable national development.

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