

# The Dynamics of Regional Autonomy in Indonesia

Mansyur Achmad<sup>1\*</sup>, Ratna Wati<sup>1</sup>, Wahyu Tri Putranto<sup>1</sup>

<sup>1</sup>Institut Pemerintahan Dalam Negeri, Jakarta, Indonesia

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\*Corresponding author: Mansyur Achmad

<sup>1</sup>Institut Pemerintahan Dalam Negeri, Jakarta, Indonesia

## Abstract

This article concern on the progress of regional autonomy which existed in Indonesia during pre-colonial, colonial, independence and post-independence periods up to the present. This article is divided into four parts, namely clear description from the background of regional autonomy in Indonesia, a historical review from local autonomy in Indonesia and it's essential likewise to the Unitary State of the Republic of Indonesia and its regional autonomy progress according to the rules applied. The regional autonomy system in Indonesia is an essential matter, weighing up that Indonesia is a unitary state that has a large-scale and geographical area, so that it requires the implementation of regional autonomy system that capable to become an extension from central government to ruled their respective territories according to regulations applied.

**Keywords:** Regional Autonomy, Unitary State, Indonesia.

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## INTRODUCTION

Since the start of independence day, The argument relates to the idea of a state form in Indonesia have emerged, from the historical records the Investigative Agency for Preparatory Work for Indonesian Independence (BPUPKI) has been preoccupied with preparing the form of a state even before Indonesia's independence. Because there were still lots of pros and cons about it, in the end it was determined by adjusting with the goals and paradigm of the nation that written on the Preamble of the Constitution to be exact, in second paragraph which declared: "And the Struggle of Indonesian Independence Movement The happy moment has come to safely deliver the Indonesian people to the front gate of the independence of the Indonesian state, which is independent, united, sovereign, justice and prosperous."

The construction as Unitary State is more explicitly described through item 1 paragraph (1) of the 1945 Constitution that declared: "The State of Indonesia is a Unitary State, in the form of a Republic". In its description before the change are stipulates into Unitary State and as a Republic which match to key idea of people's sovereignty, and also Pancasila are audibly written in the third precept as: "Indonesian Unity", meaning these construction has been written in

the fundamental of this country with hope to integrate the whole archipelago that diverse into islands and ethnic groups. A unitary state is a country which has independence and sovereignty over the entire territory or area which is fully controlled by one central government. The unitary state was formed on the principle of unitarism and what is meant by it is "The Habitual Exercise of Supreme Legislative authority by one central power" time to be regulated or managed by the local government (Abdurrahman, 1987).

The principle that contained in the unitary state are the highest position over all state matters still under central government without any hesitate from delegation or representative of regional governments (local government) (Istanto, 1971). In addition, in the unitary state there's a thought that all state matters should not be split up between central and regional governments (local government), in other word that those unitary state matters are remain unanimity (eenheid) therefore the supreme authority in these kind of country will solely belong to the central government (Lubis, 1997). Thus, it is obvious that the central government has full power over entire territory of the state, though these territory are divided into parts of the state, but these parts of the state actually have no original power. The existence of an excessive concentration of power will experience in a long

bureaucratic process against a large country whose communication system still far from smooth and the distance between the center and the regions is quite far, so there would be often delays in various things. Therefore, within the Unitary State, the regional initiatives and their role are need to defense for the shake of their respective regions. However, it should be coordinated with the center, in this case the concepts of deconcentration and decentralization are often use with purpose to assign some of the tasks of the government of the Unitary State to the its regions that are deemed time to be regulated or managed by the regional governments itself (Wajong, 1975).

Whilst the parts of country are applied such autonomy, the power of central government in the Unitary State did not have autonomous regions because these regions actually did not have the authority, let alone further the power to reduce the power of central government, according to Martosoewignjo the power assignments from central government to autonomous states is not something that is stipulated by the constitution, but due to the problem is the essence of a unitary state (Martosoewignjo, 1980). Then, according to Muslimin whom defined that the notion of autonomy is not merely coupled with a unitary state, but also as autonomy in general and dogmatic sense which determined as in a union state whereas the autonomy is wider than it was (Muslimin, 1978).

The issue on the regional autonomy in Indonesia still around to the subject that often discuss among scholars (academics), politicians, bureaucrats and even the society 6 who take part in its discussing, especially things that are very difficult to do because Indonesia is a country that is in the form of unity, with a very wide area, and divided into islands, this will make it difficult to implement regional autonomy, not to mention ethnic differences, because Indonesia, whose population is divided into different forms of society and culture, is likely natural that the argument still not yet put up to an end.

According to Nasroen, the issue in regional autonomy is those important issues faced by our society at this time (Nasroen, 1951). On the other hand, the issue of regional autonomy is very complex with various dimensions. The issue of autonomy is not only a matter of law and government, but also involves aspects of social, political, cultural, economic, defense and security and so on. Thus those problem cannot be studied in a monodisciplinary manner, but should be include in multi or interdisciplinary. In addition, the notion of autonomy is also part of dynamic concept, which constantly developing in line with the development of thought that grows and develops in the society itself.

Quoted from Nasroen, the local autonomy issue is distant from administrative matters and technical stuff and an issue of “*practisen belheid*” due to various conditions that required, therefore the correct way to manage the household won't become a false fantasy. So that Muslimin, defined that the extent in autonomy on each field of work assignments would be depends on each background of country, whether the autonomy are developed from below by the central government on the fundamental deliberation and then given a formal opinions. This command us to see through the meaning of autonomy openly, than not to view it as its close meaning according to its historical development and its context (Sis, 1967).

The historical aspect of autonomy is important thing to put in highlight in order to examining these problems. This is according to what Soepomo conveys which argues that local autonomy as a fundamental principles by acknowledging the local life based on its own history, customs, characteristics and also other regional properties. Based on his opinion stated that the government should steer clear of all affairs which intend to unify all regions according to one model (Gie, 1977).

Besides the historical background, the realization of the autonomy were also revealed from the legal politics that embrace by each state. In more detail, Juniarto defined that the assignments of affairs from center to local government had the right to regulate and control its own household, depended on the legal politics adopted at that time, which set forth in positive regulations. Thus, it is not possible for us to discreet the regional autonomy discussion from the presentation in front of the legislation governance today.

According to the historical background which has been regulated constitutionally, by the regions or so called regional autonomy as stipulated in Article 18 of the 1945 Constitution before undergoing changes which declared that: The division of the Indonesian region into large and small regions with the form of government structure which managed by Law through observing and remembering the basis of deliberation in the state government system and the rights of origin in special regions.

Regulations regarding various regional issues have been carried out since the establishment of the Republic of Indonesia. Since 1945, the regulations which manage the regional government have been made, such as when Law Number 1 of 1945 concerning the Position of Regional National Committees has been enacted, followed by Law Number 22 of 1948 concerning Regional Government, which substituted by Law Number 1 of 1957, concerning Principles of Regional Administration, Presidential Decree Number 6 of 1959, concerning Regional Government and Law

Number 18 of 1965, concerning Principles of Regional Administration as then nullified and substituted by the Law Number 5 of 1974 concerning Main Provisions of Regional Government.

Regulation Number 5 of 1974 was valid For long time during the New Order period, then during the Reformation Period it substituted by the Law Number 22 1999, concerning Regional Government, 5 (five) years later it was perfectly changed to Law Number 32 of 2004, concerning Regional Government, the last revision was the Law Number 12 of 2008, concerning Regional Government that ruled till now.

### Historical overview of local autonomy in indonesia

The development relates to regional autonomy regulation in Indonesia has changing in the context of fulfilling the principle of regional autonomy, formally it has been going on since August 18, 1945 when the 1945 Constitution was ratified in the early days of the Indonesia independence day. However, it is also necessary to consider the arrangements before the independence day of Indonesia, namely on the Dutch and Japanese colonial times, which certainly affect and colored the arrangements at the beginning of the administration of the government, therefore it is necessary to review the history of regional autonomy both before independence and after independence as its described below.

### Dutch Colonial Period

As its known in the history of Indonesia before being colonized by the Dutch, in Java there was a period of "Government: of the Mataram Kingdom based on Javanese sources the most crucial thing regarding the life mass of "Senopati" in this case "Babad Tanah Jawi" particularly the essence of prose and its descriptions. In the Babad Meinsma but it's a shame it doesn't provide and less support. During the Mataram government, it was already known that "work" in one area was called "Regent" but the title "Toemenggoeng" which later during the Dutch East Indies era, the name "Regent" was inaugurated as the name of the position of the Regency Leader (De Graaf, 1985).

In the history of Indonesia, namely in the 2000 (two thousand) years ago, the reign of the "Kingdom" which ruled over the entire territory of Indonesia took place and became the "beginning" of the birth of "Unity" Idealism within the territory of the Kingdom Government at that time, namely: (a) The Unitary State/Kingdom of Sriwijaya, which was centered in Sumatra with a reign about 1000 (one thousand) years since 392; and (b) the "State" of Keprabon/Majapahit Kingdom, which was ruled for about 232 (two hundred and thirty-two) years from 1293 to 1525, after that the Indonesian was ruled by the VOC.

During the "Government" of the Dutch East Indies, the Staten General in the Netherlands was given the power to regulate affairs in the "Dutch Indies" region (which later became the territory of the Republic of Indonesia) but this organisation has not yet thought of holding a discussion on the structure of government/Decentralization such as the Constitution for "Dutch Indies" (Indonesian Territory) which is called Regeerings Reglement (RR) in which it looks like a "Centralistic" system, but there are main provisions from the Dutch East Indies government (Indonesian Territory) mentioning regencies in Java and Madura, if deemed necessary by the Governor-General, it would divided into districts. This shows and proves that the existence of the "original structure of government in Indonesia", since before the arrival of the Dutch (Surianingrat, 1981). The provisions of RR were later changed to Indische Staatsregeling (IS) with similiar provisions by making changes even though it was an addition that became the basis for decentralization, then after shift from the paradigm of "centralized" to "decentralized" government, the entire territory of the Dutch East Indies divided into work environment called the region (gewest), for the benefit of the organization; Gewest is a geographical unit without its own apparatus and without its own finances, so that the government would conduct an extreme centralized manner which the only path is deconcentration (Surianingrat, 1981).

Then in Java and Madura, the *bestuurs hervormings wet* (government adjustment law) was enacted, in the form of law which intended to adjust "regional government" with the enactment of the decentralization law intended to form "Local Council" which had "autonomy", then Province was formed also with Regencies (Regentschap) and Municipalities/cities (stads/genente) and *hurnine*, in Java and Madura are classified into 3 (three) provinces, namely West Java, Central Java and East Java and 2 (two) Governors consist of Surakarta and Yogyakarta (Surianingrat, 1981). Regarding the implementation of decentralized system during the Dutch East Indies period which was occurred in 1905, then starting in 1938 there were 3 (three) governorates of Sumatra, Kalimantan (Borneo) and the Great East (Groote Oost), each governorate was headed by a governor in charge of performed its government affairs of The Dutch East Indies and the Departments of the Governor supervised on the autonomous governments and the old *gewesten* which still managed the administrative areas; namely Government units with the title of residency headed by a Resident whose job was to take care of roads, bridges, buildings, public works, irrigation, people's health, equitable distribution of agriculture, education (natives) and livestock (disease eradication) (Hadjon, 2005).

In the municipality/city area, which has the same level as the regency, likewise to its autonomy, the

type of government which is an autonomous region, outside Java, Madura (outside Java) directly ordered by the governor, administratively at the stage/level between the province and the regency (on the Javanese island residency level) who takes care of and manages its own household (Surianingrat, 1981).

According to these description of the Indonesian government system during the Dutch colonial period with centralized style, so that all central/government affairs of the Dutch East Indies were handed over to the Governor General then there began to be limited decentralization, which initially began with the decentralization of private and local affairs, namely the establishment of administrative areas, residencies, districts and cities in Java as well as regional units and communities outside Java.

### Japanese Colonial Period

As if its known, after hundreds of years the Dutch ruled in Indonesia, then it was taken over by the Japanese colonialists who ruled Indonesia for 3.5 (three and a half) years, by making quite fundamental changes such as dividing into 3 (three) “military” areas namely Sumatra and Java Madura as the territory of the army, the government penetrated into people's lives much more intensively than the Dutch East Indies government (Syaukani *et al.*, 2002).

By the time of Japanese colonial era, government ruled was formed as “Military Government”, which govern in Indonesia through implementation according to the interests of Japanese armed itself, by continuing the existing government, namely the government from the Dutch East Indies period. The holder of the highest military government was Dai Nippon who also holds the similiar empowerment as Governor-General, with government system abolishing the path of deconcentration (Soetoprawiro, 1994).

Thus, during the Japanese colonial period, Indonesia was ruled using Japanese-style for division of affairs which is the leadership of the Japanese Army as the central government controlled by the Army and Navy, while the regional government was still handed over to Kenco/Regent and Si-Co/Mayor, all under Syuucokan/Resident (in Japanese) the composition of Regional Government was fulfilled in Osamu Seirei No. 27 in 1942 (Surianingrat, 1981).

### During the Independence Day of the Republic of Indonesia

Before the proclamation was announced, an institution at the level of State had been established in form of the Preparatory Committee for Indonesian Independence (PPKI) which been recalled as an Indonesian National Institute on August 9, 1945 by Indonesian Nation leaders and since August 15, 1945

led by Soekarno-Hatta, then normatively the State of Indonesia was formed after the proclamation of independence day of the Republic of Indonesia by Soekarno-Hatta on August 17, 1945 and the Constitution created on August 18, 1945 since then in running the government of Indonesia that everything should be based on the 1945 Constitution, as its the highest constitution in the Republic of Indonesia.

The development of policies and the legal basis for administration of the regional government which relates to the principle and system of distributing the affairs from the central to regional governments, in the form of realizing the principle of decentralization in Indonesia are contained in items 18 of the 1945 Constitution before the amendment that declared: huge and small bases with build up by government structure and stipulated by rules, considering and recognizing as the basis of deliberation in the state government system and the natives rights in special regions.

Declared through content and spirit of the items no. 18 of the 1945 Constitution and its explanation, elicited from Lubis: “That's obvious if the government binds to conduct these Decentralization politics and Deconcentration in the field of state administration”, and in fact the article contains more provisions on government administration, in this case for regional governments. This according to the division of the territory of the Unitary State of the Republic of Indonesia which is very wide and small and has various ethnic groups with the motto of Bhinneka Tunggal Ika to defend the Unitary State of the Republic of Indonesia.

History from the progress in regulations regarding the realization of decentralization/regional autonomy in Indonesia since independence day in 1945 until the enactment of Law Number 5 of 1974 has experienced various inconsistent arrangements, which is occurred several times. Changes in principle on arrangement, so that in reality there has never been a relatively strong Regional Government (Local Government) implementation, this also has become an obstacle to fulfilling the regional autonomy itself. However, since the enactment of Law Number 22 of 1999 onwards until now the implementation of regional autonomy has experienced a very central development and remains within the structure of the Unitary State of the Republic of Indonesia.

## PRINCIPLES

### Guidelines to Local Autonomy in Indonesia

Indonesia was established on August 17, 1945 that categorized as large-scale country which are divided into islands and integrated into an archipelago through the motto of Bhinneka Tunggal Ika, which United its people, as Soepomo argues in the BPUPKI on May 31, 1945, which declared as a joining

composition from society, groups, layers, and members are fond to one another and United as a part of organic community (Yamin, 1959).

Indonesia was announced as a unitary state which was since 18 August 1945, as it written from the item 1 paragraph (1) of the 1945 Constitution which defined "Indonesia is include in a unitary state, in the form of a republic." These simplification were specify the construction of a unitary State in the form of Republic which match to the main purpose of people's sovereignty and in there is also statement in Pancasila which obviously referred to this matter as it's clearly in the third phrase which defines: "The unity of Indonesian." Which means this Unitary State concept has been thought constitutionally as well as it's written within the fundamental of this country namely the 1945 Constitution and Pancasila and were expected to unite the entire archipelago which diverse into islands and ethnic groups.

"Unitary State" as fundamental of the Republic of Indonesia as its written in the Article 1 paragraph (1) of the 1945 Constitution, which has remained unchanged till now, although the 1945 Constitution has been amended for the 4th (fourth) time, but it still added that "Indonesia (Republic of Indonesia) is a Unitary State in the form of a Republic" that refers to a single state (one country) which is monocentric (one-centered) and only consist of one country, one government, one head of state, one legislative parliament that coverage all regions in the territory of the country itself, which means that in carrying out the external and internal activities would be managed by one government which is proven as a unitary stages for both central and regional government (Sudjiono & Rudianto, 2003).

Due to the extensive territory that this country has and was divided into islands and regions so in running the government the Unitary State principles would be inseparable from the decentralization or regional autonomy that refers to an Article 18 of the 1945 Constitution before amendment. It declared that "The division of Indonesian regions on the basis of large and small with the form of government structure which is determined by law through observing and living in the basis of deliberation in the state government system and the rights of origin in special regions."

Decentralization concept or often called with local autonomy as it's written in an Article 18 of the 1945 Constitution, to strengthen deepen its meaning which is more clearly stated on its description, such as: (1) Due to the Indonesia is an "eenheidstaat", so that indonesia will solely remain as the only region but then divided into provincial and those provincial regions are cut up lowers. Through these autonomous area (region

and local right communities) or purely manages , everything would done accordingly to the rules applied. In regions that so called as the autonomous 1, a local Representative parliament will be perform, So that the government requires to join in this essential of discussion and (2) Within these Territory, approximately 250 self-governing lands and communities similar to villages in Java and Bali, states in Minangkabau, hamlets and residents in Palembang and so on. These areas have an indigenou composition therefore it recognized as a special area. The entire country is respects the position as special regions and its own regulations which inherited from the natives of area.

Relates to the local autonomy, it is weighted and explained for in detail just like in amendments of 1945 Constitution, about fundamental of Unitary State and it's principle of local Autonomy that inseparable between Article 1 paragraph (1) of the 1945 Constitution and Article 18 of the 1945 Constitution both before and after amendment that interpreted "In the framework of the unitary State of the Republic of Indonesia are considering the purpose of granting autonomy to the regions, the implementation of regional autonomy by regional governments is a sub-system of the state government system, especially executive government which organized by the central government, regional governments to residence governments with power-sharing system according to its authority."

### **The Concept of Unitary State of Indonesia**

Those Unitary State concept has become the legal basis for running the government in Indonesia, since the independence of the Republic of Indonesia on August 17, 1945 based on Indonesian national law from that time on, before the 1945 Constitution was enacted on August 18, 1945, by the Indonesian State Institution, namely the Preparatory Committee for Indonesian Independence (PPKI) through stipulates the draft constitution which was previously prepared by the Indonesian National Institute, which is the Investigation Agency for Preparatory Work for Indonesian Independence, abbreviated as BPUPKI in mid-July, to be exact on July 17, 1945.

The Indonesia which was born on August 17, 1945 and a day later ratified its Constitution which had previously been prepared, in which also contained the form of an independent Unitary State of the Republic of Indonesia as its written in Article 1 paragraph (1) of the 1945 Constitution.

The form of the Unitary State is the most appropriate form of state which matches to the idea of unity. During the deliberation within the Investigative Agency for Preparatory Work for Indonesian Independence (BPUPKI) the term of Unity State or

Unitary State applied as an translation of the Eenheidsstaat language, then the 1945 Constitution uses both terms, but with different meanings. The term of Unitary State revealed in item 1 paragraph (1) of the 1945 Constitution. These term used in the General Elucidation of the Constitution as follows: "In this preamble, the notion of a unitary state is accepted. By means this term did not indicate the form of the state, but the legal and moral ideals. In other word that the state are protects and covers the whole nation. The most suitable form of state for realizing the legal and moral ideals of unity idea is the Unitary State. Because there is no state within a state. The state is divided into regions, but not made up as states" (Sumarto, 1984).

The 1945 Constitution Article paragraph (1) defines firmly that Indonesia is include in unitary state and build up as a republic. In Unitary State principle the Central Government hold the supreme power over all state matters with no interference from any delegation or representative from the Regional Government (local government) (Lubis, 1974). In the Unitary State there's a principle that all state matters did not divided between central government and regional government (local government) in such a way. Those state matters would remain as an unanimity (eenheid) but still the highest control would goes up to the central government (Gie, 1977).

Within the Unitary State, the responsibility in conduct the government tasks actually remains on central government's hand. Moreover, due to the Indonesian government system adheres to decentralized principles, so that certain duties are performe independently, by arising the reciprocal correlation issue which creates connection between authority and supervision.

Unitary State is an fundamental for the notion of autonomy. According to these boundary bases, numerous rules have been developed that ruled to the mechanism which formed a balance between the demands for unity and autonomy. This could be where the possibility lies in spanning arising from the condition of attraction between the two tendencies (Manan, 1993).

The tug of war is not something that needs to be removed. Attempts to eliminate will never work because it is a natural thing. The life of the state and government can never be separated from the life of the community, both the intern community and the outside community. A good state or government is one acts according to the dynamics of its society. In this condition, the tendency towards unity or autonomy should be seen.

### **The progress of regional autonomy in indonesia**

Investigate further relates to the progress of the regional autonomy in Indonesia is an pleasant study,

just because the regional autonomy is not only appears as legal phenomenon, but also a phenomenon in the government, politics, even socio-culture and so on including about power, regional autonomy as a principle means respecting regional life in the region, customs, religion and character that exist in the region, therefore the central government must keep away all affairs with the aim of uniforming the entire region in one capital, by forcing the will that the regional character follows the national character.

The development of regional autonomy in Indonesia faced ups and downs with different patterns that certainly based on laws and regulations of different styles, because the birth of law which underlies Regional Autonomy was motivated by the legal political conditions that developed at that time. The following will describe the laws and regulations governing the implementation of Regional Autonomy since 1945.

### **The validity period of regulation No. 1 of 1945 relates to the proper place for the National Committee**

This law emphasizes the ideals aspects of people's sovereignty through arrangements for the establishment of the Regional People's Representative Organization. In this Law No 3 (three) types of Autonomous Regions are determined, namely Residency, Regency and City. Regional Autonomy is given to the regions at the time of the formation of the regions through a law in the form of very limited basic authority and for a period of 3 (three) years there has been no Government Regulation that rules it. This law has not yet been fully implemented.

### **The validity period of regulation Number 22 of 1948 about Local Government**

This law only focuses on regulating the structure of a democratic local government. In this regulation, there are 2 (two) types of autonomous regions are determined, namely ordinary autonomous regions and special autonomous regions and there are 3 (three) levels of autonomous regions, namely Province, Regency, and Small Town. This law has not yet been fully implemented.

### **The validity period of regulation No. 1 of 1957 regarding the essential of Local Government**

This rule applies unsynchronously throughout Indonesia, the emphasis is on the regulation of the widest possible aspect of autonomy. In this law, it is stipulated that there are 3 (three) levels of autonomous regions, namely Level I Regions including Kota Praja Jakarta Raya, Regional Level Regions II and Level III Regions.

In the meantime, the implementation of Regional Autonomy is getting more attention from

Central Government, where the Central Government is bind to implement the politics of decentralization in addition to deconcentration. However, this Regional Autonomy by the time has been issued still not yet been fully implemented or even the influences of centralization are still visible to see.

#### **The validity period of Regulation No. 18 of 1965 regarding the Fundamental of Local Government**

This rule has been adopted to the widest possible Autonomy system; the autonomous regions has divided into 3 (three) levels, namely Province as Level I Region, Regency/Municipality as Level II Region and District/City of Praja as Level III Region. Although this Law adopts the widest possible autonomy system, there is not a single Government Regulation (PP) issued in the context of handing over part of government affairs (Decentralization) to the regions, therefore this Law cannot be fully implemented.

Then this law was declared invalid according to the Law No. 6/1969. With conclusion that the statement was invalid at the time then replaced it was enacted.

#### **The validity period of Rules No. 5 of 1974 about Basic Provisions of local Government**

Within this regulation, the principle of Decentralization is performed in conjunction with the principles of Deconcentration and Medebewind, through the gradual handover of affairs based on capabilities (limited authority of the autonomous region) and all of that was depends on the uniform policy of the Central Government.

In managing natural resources (SDA) which is fully controlled by Central Government, no authority was send off to Regional Government, including the recruitment of Political Officials, the Regional Legislation Process through permits and instructions from the Central Government. Those who hold leadership in local government are the Regional Head and DPRD, the position of the Governor as Regional Head is the Head of Government, as well as the regional head who would be responsible to the President through the Minister of Home Affairs, while DPRD's position is as an element of Regional Government which has a functions as people's representative. Therefore the position as Governor would be very dominant. This law recognizes the existence of Deconcentration devices in Level I and Level II regions, where the authority of the Regency and City is residual and did not recognize the existence of local village autonomy.

#### **The validity period of Rule No. 22 of 1999 concerning Local Government**

Through this items, those fundamental for decentralization are implemented in regencies and

cities, while decentralization would be perform jointly in the provinces in their position as limited autonomous regions as well as administrative areas. The decentralization is determined when the status of autonomous/inherent regions (autonomous regional authority is complete and unanimous), independent and varies according to the aspirations of local communities, natural resources in their respective regions.

Regional Government is the Local Head along with the Local Autonomous apparatus as a regional executive party, while the DPRD as a regional legislative, including carrying out regional head elections that is under empowerment of DPRD. So those position of DPRD at that time was very strong. The Regional Head in performing their duties would be responsible to the DPRD and obliged to submit accountability to the DPRD every fiscal year.

#### **The validity period of Rules Number 32 of 2004 regarding Local Government**

Through this rules, the Decentralization Principle is implemented in the Provinces and Regencies/Cities, while Deconcentration is only implemented in the Provinces. On this period, it was almost similar to Law Number 5 of 1974, namely placing the DPRD as part of the Local Government together with the Regional Head to jointly run the Local Government (DPRD is component of the local Government).

Local Heads are no longer responsible to the DRPD but to President through the Minister of Home Affairs. This law are regulates the direct election by the people, so that the democracy belongs to the people and somewhat special is recognizing the existence of village/local autonomy.

## **CONCLUSION**

Based on the history of Indonesia, about 2000 (two thousand) years ago, the reign of the Kingdom which ruled over the entire territory of Indonesia and united the entire islands as an archipelago. That was the beginning of idealism in early government at that time, there were two major kingdoms, namely the Sriwijaya Kingdom and the Majapahit Kingdom by that time the regional autonomy was already existed, though was in a different form from what we have now, such as the arrangement of government by the Little King and the Big King. Then it was continued to the Dutch East Indies Government, even though it was a colony but it was also divide to detail authority, such as a Residency and Regency, then it continued during the Japanese colonial period.

The description illustrates that Indonesia has been a Unitary State since ancient times by the commitment in implementing regional autonomy,

namely the kingdom period, the Dutch East Indies government, Japanese era and until now. The territory of the Republic of Indonesia is so wide in form of islands, however, it still connected as the Unitary State of the Republic of Indonesia based on Article 1 paragraph (1) of the 1945 Constitution.

Unitary State Construction has become a steadfast for the Indonesian people but when conducted the government it will prioritizes the regional interests, with the form of regional autonomy. The phrase could be found on Item 1 paragraph (1) of the 1945 Constitution which is inseparable from Items no 18 of the 1945 Constitution which defined that form of Unitary State of the Republic of Indonesia with the principle of Regional Autonomy.

The progress of Regional Autonomy has continuously changes since Indonesia's independence and even before. However, these implementation is a joint determination of the Indonesian people, it is proven that the first law passed in Indonesia since independence is the Law on Regional Autonomy, namely Rules No 1 of 1945, relates to where the Regional National Committees belong to. Those laws are continues to change adjusting to the flow of political developments in this country, surely in according to the character of the current political situation and it is likely to continue and develop all times.

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