

Reinforcing Central Government's Authority over Regional Governments in the system of Indonesian Governance

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Abstract

Principally, a regional government represents the extended hands of the central government in controlling a regional area. Regional governments are not supposed to run activities not congruent with the policies set by the central government. However, regional governments are often found in contravention of the policies of the central government. This research maps what causes this contravention and the reasons for reinforcing the authority of the central government regarding its connection with regional governments. This research employed normative-juridical methods, statutory, conceptual, and case approaches, revealing that this noncompliance with the central government is sparked by the conditions where a regional head is elected by the members of the public, the president has no right to eject a regional head from his/her tenure, and a regional head is fully authorized to run a regional area, including the regional budgeting. The design of the reinforcement of the authority of the authority of the central government over regional governments is required based on the principle of the unitary state and to guarantee the harmonious policies set by those the regional governments and central government. This design may involve the policy of the central government to take over the governance of regional areas following the deadlock, permit issuance, and the authority of the central government to impose sanctions on regional heads.

I. Introduction

States are divided into unitary state and federal states, where the former represents a state under only one government, while federal states divide the areas and governments into several states. The unitary state refers to a top-down pattern, while the federal states adhere to a bottom-up one. Each state in the world has the freedom to determine its governance and is not controlled by other states in terms of determining the governance. A state also has the power to decide whether to combine both unitary state and federal states into its government system of the state. Indonesia is the state declaring that it chose to be a unitary state despite its extensive regions (Article 1 of the 1945 Constitution of the Republic of Indonesia).

The system of the unitary state to which Indonesia adheres is nothing like the most unitary states. Indonesia is further divided into 34 provincial areas¹ and 514 regencies or municipalities spreading over 5,193,250 km² of land.² That is, the government system of Indonesia consists of both the central government and regional governments representing provinces and regencies/municipalities). The pattern of relationship between the central and regional governments refers to the theory of Clarke and Steward dividing this into three models of relationship: first, the relative autonomy model gives relatively significant freedom to regional governments without disrespecting the existence of the central government. This is more emphasized on giving the freedom to act to regional governments under the framework of power/tasks and obligations outlined in the legislation; second, the agency model indicates that regional governments do not hold any sufficient power so that their existence is deemed not more than an agent for the central government to serve the central government's policies. In this model, detailed clues in the legislation as the control mechanism are remarkable and regional revenues are not essential and the financial system of the regional areas is dominated by the aid coming from the central government; third, the interaction model indicates that the existence and the role of a regional government are determined by the interaction that takes place between the central government and regional governments.³

In Indonesia, the relationship model between the central government and regional governments complies with three principles simultaneously: decentralization, de-concentration, and co-administration. Decentralization

¹ Singgih Choirul Rizki and Yusuf Adam Hilman, 'Menakar Perbedaan Opini Dalam Agenda Pelaksanaan Kontestasi Pilkada Serentak Di Tengah Covid-19', *Jurnal Ilmiah Muqoddimah : Jurnal Ilmu Sosial, Politik Dan Humaniora*, 4.2 (2020), 143–55 <<http://jurnal.um-tapsel.ac.id/index.php/muqoddimah/article/view/1709/996>>.

² Isdian Anggraeny, 'Legal Review of Selling Land of Inheritance Without Approval of All Heirs', *Legality : Jurnal Ilmiah Hukum*, 28.1 (2020), 107–20 <<https://doi.org/10.22219/ljih.v28i1.11817>>.

³ Sholahuddin Al-Fatih, 'Harmonizing Regulation of Central & Local Regulations Through the Omnibus Law', *Jurnal Majelis*, 1.August (2020) <<https://doi.org/http://dx.doi.org/10.2139/ssrn.3857493>>.

involves the delegation of government tasks by the central government to regional autonomy according to the autonomy principle. Kartasapoetra defines decentralization as the delegation of tasks from the central government to a regional government to run its governance, and this delegation of authority is to decentralize the authority of the central government.⁴ Agus Salim Andi Gadjong classifies decentralization in the following:⁵

- a. Decentralization represents the delegation of authority from central to regional governments.
- b. Decentralization represents the delegation of authority and power
- c. Decentralization represents the distribution and the formation of regional governments
- d. Decentralization aims to distribute, divide, spread, and delegate authority and power

The principle of de-concentration involves the delegation of partial matters within the authority of the Central Government to governors acting as the representatives of the Central Government, vertically down to certain regional areas, and/or to the governors and regents/mayors responsible for the delegated government tasks. C.F. Strong expressed his view on the de-concentration where the government delegates tasks to government officials and agencies working within the same hierarchy to allow better task management along with the delegated rights to regulate and make decisions while the government officials still hold the control over the responsibilities of the task execution.⁶

Co-administrative task principle involves the delegation of tasks from the Central Government down to autonomous regions to execute a partial portion of the central government's tasks or from a provincial government down to the government of a regency or municipality to execute the part of the tasks delegated by the central government. Co-administrative tasks involve the participation of regional governments in the central government's tasks with the central government having higher and more extensive authority. Co-administrative tasks represent the manifestation of de-concentration, but the government, in this case, does not set up an independent body. Thus, co-administration must be performed according to the regulatory provisions consisting of the following scopes:

- a. The materials executed do not involve the domestic tasks of autonomous regions for realization.
- b. To execute the tasks, autonomous regions have the freedom to adjust to what the regions need.

⁴ RG Kartasapoetra, *Sistematika Hukum Tata Negara* (Jakarta: Bina Aksara, 1987).

⁵ Agus Salim Andi Ganjong, *Pemerintahan Daerah Kajian Politik Dan Hukum* (Bogor: Ghalia Indonesia, 2007).

⁶ Ateng Syafruddin, *Titik Berat Otonomi Daerah Pada Daerah Tingkat II Dan Perkembangannya* (Bandung: Mandar Maju, 1991).

- c. Only autonomous regions are authorized to execute delegated tasks, while other government apparatuses vertically structured are not.

All those three principles are further manifested in the three models of task delegation between the central government and regional governments. In Article 9 of Law Number 23 of 2014, the government's tasks are divided into absolute, concurrent, and general tasks: 1) absolute tasks are under the authority of the central government. 2) the concurrent tasks are distributed across the central government, provincial governments, and the governments of regencies/municipalities. The concurrent tasks transferred down to the regional governments serve as the basis of the execution of regional autonomy. 3) the general tasks of the government are under the authority of the president that holds the highest position.

Thus, a regional head holds extensive power and authority to command its region, and this power and authority give the freedom to even regulate a region in its way, contravening the instruction of the central government. In this situation, most regional heads act as if they were kings of their regions as if the authority were not delegated from the central government but rather were from the sovereignty of the society which is obvious during elections. From those background, there were several research question, such as; 1) Why do regional heads fail to comply with the central government?; 2) Why is the reinforcement of the authority of the Central government essential over regional heads?; and 3) How is the reinforcement of the authority of the central government over regional heads implemented?

2. Research Method

This study, categorized as doctrinal research⁷, employed normative juridical methods involving library research and statutory, conceptual, and case approaches.⁸ The legal materials consisted of primary, secondary, and tertiary data, all classified based on the inventory of sub-subjects. The data were further analyzed by conducting descriptive and prescriptive analysis techniques.

3. Results and Discussion

1. Causes of Noncompliance of Regional Heads with The Central Government

⁷ Sholahuddin Al-Fatih and Ahmad Siboy, *Menulis Artikel Karya Ilmiah Hukum Di Jurnal Nasional Dan Internasional Bereputasi* (Malang: Inteligencia Media, 2021).

⁸ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. by Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

Constitutionally, Indonesia is declared to be a unitary state, as enacted in Article 1 Paragraph (1) of the 1945 Indonesian Constitution, mentioning ‘Indonesia is the unitary state of a republic’. This declaration as the unitary state has taken lengthy consideration in the dynamic of the constitution of Indonesia. The debate over the status of this nation has taken place since the time Indonesia officially declared its independence on the 17th of August 1945. This debate arose between Soekarno and Mohammad Hatta. The duumvirate as the proclaimers of the Independence of Indonesia took an opposing direction of the status of Indonesia, leading further to the question of whether this state should be declared as a unitary state or federal states.

These two different systems of a state also apply in other states, and it is every state’s right to decide which system of the state a state should follow. The unitary state and federal states show fundamental differences, as elaborated by Hufron and Syofyan Hadi in the following table:⁹

Table 1. Differences between Federation and Unitary State

	Federation	Unitary State
Foundation of the state	Federal states are founded by several sovereign states as the source of the sovereignty	The unitary state is founded by its people, forming regional areas and the source of the power of the state comes from its people, not from the regional areas.
Sovereignty	The sovereignty is divided into two: the sovereignty of the federal states and the sovereignty of each state	Sovereignty is absolute (<i>eenheids</i>) belonging to the central government
Legislative body	The legislative body is divided into two: the legislative body of the federal states and the legislative body of each state.	Central legislation exists as the highest legislative body, and, thus, there is only one legislation for one country, and its regions can come up with their regulatory

⁹ Hufron and Syofyan Hadi, *Ilmu Negara Kontemporer* (Jakarta: Laksbang Presindo, 2016).

		provisions within the purview as set by the central government
Constitution	The constitution is divided into two: the constitution of the federal states and the constitution of each state	There is only one constitution the state adheres to
Executive	The executive body is divided into two: the government of the federal states and the government of each state. Both scopes of executive bodies are sovereign	The central government serves as the highest executive body; the regional governments are only authorized to deal with the delegated tasks from the central government
Judiciary	Judiciary is divided into two: the judiciary of the federal states and the judiciary of each state	Judiciary is founded only by the central government; regional areas are not authorized to form any judiciary
Responsibility	The governments of the states are not responsible to the government of the country because both are separate and they have their sovereignty	Regional governments are responsible to the central government because regional governments are parts of the central government

To the unitary state of the Republic of Indonesia, putting the system of the unitary state and federal states leaves positive implications one way or another. For instance, the unitary state ensures that the development is equally distributed across all regions in Indonesia under one instruction and policy. On the other hand, the form of federal states is needed recalling that Indonesia was formed of the archipelago of diverse cultures in the regions of the country. That is, each

region needs to stand independently without too much intervention from the central government.

However, following a lengthy debate, with its status as a unitary state, Indonesia has also adopted part of the system of the federal government. The late Abdurrahman Wahib, the fourth president of Indonesia, once stated that Indonesia was a unitary state consisting of 'federated states. Its position as a unitary state consisting of the federated states is also apparent in the provision of Article 1 Paragraph (1) and Article 18 of the 1945 Indonesian Constitution, where the former clearly states that Indonesia is a unitary state. The legal politics implied in Article 1 paragraph (1) of the Constitution confirms that the government system that applies refers to the system embraced by the concept of the unitary state, not the federal states. However, this provision in Article 1 Paragraph (1) seems to have lost its 'pure' and absolute definition when it is linked to Article 18 of the Constitution.

Article 18 of the 1945 Consitution states that the unitary state of the Republic of Indonesia is divided into provinces and regencies/ municipalities. The word 'divided' seems to have been secretly legitimated in terms of the adherence to the concept of federal states. The following are given as the matters reinforcing the condition where Indonesia seems to have adhered to the model of federal states:

First, each regional area has its own governor/vice governor as its government and the DPRD of the province for the provincial government and a regent/vice-regent, and the regional/municipal DPRD for a regency/municipality. Second, each regional government has the extensive authority¹⁰ to control its regional area. The authority of regional governments is only restricted to six aspects: foreign policy, defense, security, justice, monetary policy, national fiscal, and religion.¹¹ Third, each province or regency/municipality is not tied to each other. That is, each region has its autonomy to determine the policies of its region.

Fourth, in terms of accountability report, each province, regency/city does not have obligation to be responsible to the central government or the president. However, any accountability report that happens to be made between a regional government and the president is simply to meet the formality and this report bears no legal implications. The common standard that occurs is that this accountability report is often prepared by regional governments simply because they are lower in position than the president, while the president responds to the report with feedback. When such a report is considered not more than the way

¹⁰ Ridwan HR, *Hukum Administrasi Negara* (Yogyakarta: Rajawali Press, 2006).

¹¹ R Verawati, W V R Salshadilla, and Sholahuddin Al-Fatih, 'Kewenangan Dan Peran Peraturan Daerah Dalam Menyelesaikan Sengketa Agraria', *Ekspose: Jurnal Penelitian Hukum Dan Pendidikan*, 19.2 (2020), 127–28 <<https://doi.org/10.30863/ekspose.v19i2.1146>>.

to meet the formality, it could probably be understood that regional governments could choose to remain off the radar. The noncompliance of regional governments with the central government results from:

a) Diverse political parties

The noncompliance of regional governments with the central government may be due to the different backgrounds of political parties of regional heads. Governors, regents/mayors with different affiliations from the president's are likely to stand against the policies of the central government. Such a tendency is reflected in the way of thinking and attitude of regional heads in responding to the policies set by the central government. This is obvious in the case where the central government raised the gas price while several regional heads from different political went against this policy, and some other regional heads even encouraged people to stage protests the policy.

Differing political views have sparked this noncompliance with policies set by the president. Regional heads are adamant that compliance with their political parties is far more important than compliance with the central government, and this likelihood is not uncommon since they expect to receive support back from their parties, not the central government. Adherence to political parties is deemed more beneficial for the heads' existence and the ruling government at a regional level. This adherence is also believed to have the impact that probably makes them re-elected. That is, support from political parties is badly needed by regional heads when they are linked with the DPRD as a home to political parties. A regional head tends to fail to figure out when their loyalty to his/her political party should end, while the inauguration of the elected regional head should end the loyalty to the political party.

A regional head represents the central government in a regional area not his/her political party, and such a position requires a regional head to be capable of running the policy of the central government. In other words, the compliance of a regional head with the central government is deemed structural compliance of a government official at a regional level with an official positioned higher at a central level. This understanding should raise the awareness of the condition where the different political parties between two governments should be ruled out since their leadership is not for political parties, but the entire people of Indonesia. Therefore, the approach and the work pattern should be set according to the structural pattern in which officials at a regional level must comply with the central government positioned higher above the regional heads, as they are not at equal levels.

b) Directly elected regional heads

The noncompliance with the central government results from the condition where regional heads are voted by the people through election every five years, not by the central government or the president. This has made regional heads feel that they do not have anything to owe to the central government or the president. Regional heads in Indonesia will demonstrate compliance with the government above them if the government with the higher position influences the official positions the heads are attached to. That is, a lack of influence on the regional heads or the absence of involvement in the elections of regional heads erodes the level of compliance with the government of a higher level, or it even leads to total negligence. The fact that regional heads are not appointed by a president has built differing characters and attitudes from those of the central government; the position as an ex-subordinate of the central government can even escalate the problem. The case of the coronavirus has shown this issue, where policies regarding the data and mitigations set by both the governor of Jakarta and the central government were different.¹² Anis, the governor of Jakarta, demonstrates an attitude different from the perspective of the central government. This situation is certainly inextricable from the condition where he was elected as a governor of Jakarta in a regional head election in 2017 and Anies once served as an ex-assistant to the president and served as the Minister of Primary and Secondary Education before he was ejected from office by President Joko Widodo in 2019.

c) President not having the capacity to eject a regional head

The president does not have any right to eject a regional head when noncompliance with the central government takes place. Commands without any sanctions will impose no binding enforcement on regional heads.

d) The authority of a regional head to govern the regional budget

The noncompliance is also linked to the regional budget (henceforth referred to as APBD). This APBD acts as the backbone of the government and within the absolute authority that allows both regional heads and the DPRD to govern. The central government has no right to interfere with APBD drafting. This condition only spares the room for regional heads to do nothing but maintain the harmony of the relationship with the DPRD since the disharmony in such a relationship will not lead any further to the approval of the APBD. Unlike in the central government,

¹² Kanyaka Prajnaparamitha and Mahendra Ridwanul Ghoni, 'Perlindungan Status Kerja Dan Pengupahan Tenaga Kerja Dalam Situasi Pandemi COVID-19 Berdasarkan Perspektif Pembaharuan Hukum', *Online Administrative Law & Governance Journal*, 3.2 (2020), 2621–2781 <<https://ejournal2.undip.ac.id/index.php/alj/article/view/8041>> [accessed 9 July 2020].

the position and decisions of the central government regarding APBD in a region gives no influence. Whether or not the government approves the APBD in a province or regency/municipality does not leave any impact on the validity of APBD. The central government only directs not decides the APBD. The financial connection between a regional head and the central government deals with the profit-sharing fund, special grant, and budget for general allocation.

e) Self-branding

The opposing direction shown by most regional heads is often intended to brand themselves in the eyes of the public. Every regional head uses every opportunity to get attention from the members of the public. This is apparent in their tendency to videotape or publish their activities involving the public on social and mass media. This self-branding is considered normal since most regional heads expect to have a higher position and public involvement. In a disruption era like these days, more attention from the public will increase the chance of having a higher position. This process is reflected in the career leader of President Joko Widodo starting with the Mayor of Solo city and climbing higher to his position as a governor of Jakarta before he finally hit the presidency in Indonesia. Such a road to success is certainly inextricable from attempts of self-branding on social and mass media. The success of Ridwan Kamil, a Mayor of Bandung city to his position as a Governor of West Java is also linked to his popularity on social and mass media during his tenure as a mayor.

Most regional heads often take advantage of the central government's policies that are considered not popular or protested by the public over self-branding. This weakness gives wider access to standing against the policies made by the central government, like in the case of rising gas prices or electricity bills. Several regional heads assertively contravene the policies made by the central government. This attitude simply indicates that they stand among the members of the public and always perceive that it is acceptable not to be on the same path as the central government. This attitude is believed to attract more attention and sympathy from the public, usually followed by compliments that are believed to deepen the trust that is likely to bring a regional head to another election at a national level.

For a regional head fueled with the desire to secure a position at a national level, expressing different views or standing against the policies of the central government is not a serious and disadvantaging matter to the national policies in a regional area. Self-branding, for most regional heads, is essential, and the risks that follow can be ruled out. Regional heads have

often overlooked the commands from the central government, contrary to the norm that requires compliance of regional heads with the policies made by the central government. This is aimed to appropriately show that regional heads are the representatives of the central government at a regional level.

Table 2. Triggering factors of noncompliance of regional heads with the central government

No	Triggering factors of noncompliance	
1	Different political parties	There is always a likelihood that the political parties of both a regional head and the president are different or a regional head may be from an opposing party
2	Direct election of a regional head	A regional head is directly voted by the members of the public, not appointed by a president
3	The president does not have any authority to eject a regional head from his/her position	A president is not authorized to eject a regional head from his/her position without a judicial decision or judicial intervention
4	The authority of a regional head to regulate APBD	A regional head has its absolute and extensive freedom to draft APBD, or a regional head is not reliant on the policies of the central government
6	Self-branding	The policies of the central government often spark contravention and non-popular, leading to a situation where a regional government may tend to stand against a certain issue to get the sympathy and more support from the public

2. The Essence of Reinforcement of The Authority of tThe Central Government over Regional Heads

The disharmony between regional heads and the central government leaves a mark on the principle of a unitary state, and this situation needs fixing. The following are some points serving as the grounds for reinforcement of the authority of the central government and regional heads:

- a) Unitary state

The principle of the unitary state can serve as the fundamental strengthening the position of the central government over that of regional heads. This principle implies that all regional areas of the Republic of Indonesia exist under one Indonesian government. The condition where the state is broken down into several provincial areas and regencies/municipalities is not meant to separate but to divide. Article 18 of the 1945 Constitution of the Republic of Indonesia declares that the Unitary State of the Republic of Indonesia is 'divided' into provinces and a province is divided into kabupaten and kota, with each province, kabupaten and kota having its regional administration, regulated by law. The word 'divide' does not represent separations of areas into provinces and kabupaten (regency) and kota (municipality). "division" and "separation" are not at all equal in meaning. It is like a house representing the country with several small adjacent rooms all under the same roof within the same fence.

With this principle of the unitary state, regional heads must comply with the government above them, the central government, and the president. A governor and a regent/a mayor are the representatives of regional areas under the Unitary State of the Republic of Indonesia. A region headed by a regional head is a part of the unitary state of Indonesia, which requires the compliance of the regional head with the central government. The noncompliance is deemed to be an act attempting to separate a region from the Unitary State of the Republic of Indonesia, and this condition threatens the development of Indonesia. The noncompliance will lead to disharmony between regional governments and central government, creating obstacles to the goal of bringing welfare to the people.

b) Prevention of conflicts across regions

The reinforcement of the authority of the central government over regional heads is required to deal with any conflicts inevitable among regions due to differing policies across regional areas. The conflicts are often sparked between regional heads arguing over issues such as flood or waste problems such as those between the governor of Jakarta and the governor of Bekasi. For example, region A forbids an act of another region to dump waste goes to region A, and this policy is certainly under the authority of the region A that the regional head is governing that is disadvantaging another regional area, and this argument may spark a further conflict between the two neighboring regions. This situation requires the involvement of the central government to deal with and limit the authority of a regional head in terms of performing tasks with another region.

c) Mediator of internal conflict within the regions ruled by regional governments

The principle encouraging the reduction of the authority of the regional governments and reinforcement of the authority of the central government has something to do with the likelihood of government conflicts taking place at a regional level. These conflicts emerge when the governmental structure at a regional level shows different views disadvantaging the members of the public. In this context, a conflict between a regional head and the DPRD, for example, is no longer uncommon in the dynamic of regional governments in Indonesia. A conflict between a regional head and the DPRD takes place at a either provincial level or a regency/municipality. A deadlock is common at a provincial level resulting from differing views between a governor and the DPRD. The APBD 2014 of Jakarta can be taken as an example regarding the deadlock between the governor and the DPRD of Jakarta having differing views, leading to a situation where this APBD 2014 could not be approved.¹³ A similar conflict also took place between a regent and the DPRD of Regency/Municipality. This conflict is also obvious in the case between dr. Faida serving as a Regent of Jember and the DPRD of the Regency of Jember, where both the regent and the DPRD failed to come to an agreement over the APBD of the Regency of Jember 2018. This argument led to disharmony between the two and triggered impeachment.

This conflict, again, requires the involvement of the central government. The conflict between a regional head (executive) and the DPRD (legislative) should be put to an end, and the members of the public should not be placed as the victims following the arrogance and selfishness of each governmental organization at a regional level. That is, the public must not take any responsibility that this conflict has caused, and the existence of the central government amidst the conflict is a must. Holding its highest position in the constitutional system of Indonesia, the central government must settle conflicts between regional heads and the DPRD.

Without a doubt, the role of the central government as a mediator with extra authority that allows the central government to make concrete decisions over the conflict between the executive and legislative bodies at a regional level is required. These decisions must apply to the two parties in dispute as well. The deadlock regarding APBD, for example, the government through the Minister of Home Affairs is authorized to set the APBD in a region. However, in such a conflict of APBD, the intervention

¹³ Nanang Hasan Susanto, 'Politicization of Religion and the Future of Democracy in Indonesia in Populism Theory', *Journal for the Study of Religions and Ideologies*, 18.54 (2019), 139–58 <<http://jsri.ro/ojs/index.php/jsri/article/view/1143>>.

of the central government in taking over this issue will trigger polemic. The case of the APBD taken over by the central government, for example, sparked another issue over the legitimacy of the APBD. The APBD in a region can be deemed valid or applicable when it is manifested in a regional regulation as a regulatory product, while the regional regulation can be passed only if a deliberation and approval take place between a regional head and the DPRD.

3. Design of Reinforcement of The Authority of The Central Government Over Regional Governments

Formulating the reinforcement of the authority of the central government is not an easy matter recalling that the authority of regional governments is quite extensive and embraces several sectors. Consequently, the design of the reinforcement can only be highlighted in outline, consisting of the following considerations: first, the central government could take over the authority of a regional head that faces the deadlock between the DPRD and the head at a regional level. This takeover by the central government aims to ensure that the governance in a regional area keeps running and is not affected by any conflicts between both parties. Such a takeover is not only restricted to APBD-related matters, but it can also deal with all matters within the purview of the authority of a regional head and the DPRD. The authority of the central government to take over governmental tasks amidst political conflicts between a regional head and the DPRD is expected to lower the egocentric tendency of both parties. This egocentrism is triggered by their strong adamance that they are equally powerful, believing that no one could represent or even snatch their authority, leading to a deadlock. However, once the central government has the chance to take over the authority of a regional government, these two governments will find their way to a win-win solution.

Second, the central government is likely to take over the authority of a regional head regarding permit issuance in mining. In this case, the authority of the central government is paramount and it gives a recommendation recalling that both business and mining permits are inextricable from both regional and national interests. However, mining permit issuance is highly prone to corruption without any reinforcement of the central government's authority in the permit issuance at a regional level.

Third, the central government should also have extra authority in dealing with regulatory products at a regional level such as regional regulations and the regional heads' regulations. This extended authority aims to reinforce the standing of the central government at a regional level since significant numbers of regulations set by the central government need to be responded to by regional regulations and the regulations of regional heads. This approach is expected to

deal with the arrogance against the policies made by the central government, insisting that no central government's policies could optimally be enforced when regional heads refuse to make any regional regulations and the regulations of regional heads as regulatory products.

Extra authority or authority takeover of the central government dealing with the process of regulation-making at a regional level is similar to giving authority to the president in the making of Government Regulation in Lieu of Law, in which the President of the Republic of Indonesia is authorized and subjective in the making of this government regulation that is equal to the law in terms of both material and position, on the contrary to the fact that the law as a legislative product requires the approval of both the president and the House of Representatives (DPR). Power takeover regarding regional regulation-making by the central government must be appropriately regulated, recalling that the authority to make regional regulations at a regional level refers to the authority of regional governments, not the central government, or other legal problems such as disputes over governments' authority will follow.

Regulating the takeover or extra authority of the central government over regulation-making at a regional level should be made clear regarding the material governed, time, and conditions. Under what circumstances the government has the authority to make a regulation in a regional area should also be considered. Considering conditions is essential to prevent any likelihood of power abuse by the central government, and considering these conditions requires a standard.

Fourth, the central government should also have the authority to impose sanctions on regional heads, but this matter hangs in a quandary. The likelihood is quite low for the central government to impose sanctions on regional heads, recalling that state officials are immune to any sanctions due to the decisions made.¹⁴ Sanctions cannot be imposed if their act is relevant to the official position and authority. The sanctions given are only restricted to administrative measures. Sanctions must not interrupt the access of the members of the public to their rights. For example, sanctions imposed by cutting specifically allocated funds or social aid will only snatch the rights of the public and will not leave any deterring effects on regional governments failing to comply with the policies of the central government.

¹⁴ Ahmad Siboy, *Membongkar Politisasi Fungsi DPR*, Malang, Intimedia, hlm.

4. Conclusion

The relationship between the central government and its regional governments shows disharmony or inappropriate policy-making that bears no relevance between the central government and regional governments. This noncompliance is linked to the condition where the president does not directly appoint or eject a regional head. Moreover, a regional head has his/her absolute power to rule his/her regional area in the matter of regional budget. This condition seems to overlook the existence of regional heads as the subordinate of the central government. As a result, it requires reinforcement of the central government over the authority of regional governments to help establish the harmony between the policies of the central government and those of regional heads and to prevent any conflicts across regional areas simply because each regional head makes a policy based on his/her sectoral ego. This approach also aims to resolve conflicts between regional heads and the DPRD at a regional level. The reinforcement model could involve added power for the central government to take over the authority of regional heads in case of conflicts with the DPRD, the authority for the central government in terms of business permit issuance at a regional level, and the authority for the central government to govern regulations at a regional level.

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