



Exploration Of Regional Autonomy Law And Indonesian Special Autonomy

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Abstract. This research aims to analyze the contents of the Regional Autonomy Law and the Special Autonomy Law in Indonesia. Regional autonomy is a basic principle in the government system in Indonesia, which gives authority and responsibility to regional governments to manage affairs within their territorial scope. The Regional Autonomy Law and the Special Autonomy Law are the legal framework that regulates the mechanisms for implementing autonomy at the regional level. This research method uses a content analysis method which aims to identify and analyze the content and substance of the Regional Autonomy Law and the Special Autonomy Law in Indonesia. The data used in this research is the complete text of the two laws. Content analysis was carried out using a qualitative approach. Data collection was carried out through literature studies and retrieval of the full text of the Regional Autonomy Law and the Special Autonomy Law. After that, the data will be analyzed through a process of sorting, categorizing and interpreting the contents of the text. The results of this research will provide insight into the content and substance of the Regional Autonomy Law and the Special Autonomy Law in Indonesia. Stakeholders, such as local governments, academics and researchers, can use the results of this research as reference material and guidance in formulating policies and strategies related to regional autonomy in Indonesia. By carrying out a systematic analysis of the contents of these two laws, it is hoped that we can provide a deeper understanding of the content and substance of the regulations governing the implementation of regional autonomy in Indonesia. This will be useful in increasing the effectiveness of implementing regional autonomy as well as increasing community understanding and participation in the decision-making process at the regional level.

Keywords: Law Analysis, Indonesia, Regional Autonomy, Special Regional Autonomy

1 Introduction

The Indonesian government has taken great strides in accommodating the special needs and unique characteristics of each region through the Regional Autonomy and Special Autonomy Laws. [1] the definition of "regional autonomy" in the Big Indonesian Dictionary (KBBI) states that regions have the right, authority and responsibility to regulate and manage their internal affairs in accordance with applicable regulations. Exploration in this case refers to the government's efforts to understand in more depth the needs and potential of each region in Indonesia. Through the regional autonomy system, the central government gives local governments the freedom to manage their own local resources and problems according to local conditions and needs.

One example of the Regional Autonomy Law's exploration is improving the quality of public services in remote or marginalized areas. [2] explained that one way to apply the principles of democracy is through the principles of regional autonomy and decentralization in the power relations between the central and regional governments. In other words, democracy must be realized through the distribution of power both vertically and horizontally. Vertical distribution is usually divided into a "trichotomy" which includes executive, legislative and judiciary, although this division is not always perfect because sometimes there is mutual influence between one another. [3] added that regional autonomy can be explained literally as coming from the words "autonomy" and "region". In Greek, "autony" comes from the words "autos" which means "alone", and "nomos" which means rules and laws. Thus, autonomy can be understood as the authority to organize and take care of oneself, or the authority to make regulations to manage one's own household. Meanwhile, region refers to an area which is a legal community unit with certain boundaries

The Special Autonomy Law provides a more detailed framework for regions with unique characteristics, such as Papua and Aceh. Exploration in this case involves active dialogue between the central and regional governments to understand local problems and aspirations, which are then reflected in the form of additional authority or privileges given to the region. Exploration of the Regional Autonomy and Special Autonomy Laws also contributes to the empowerment of local communities and the preservation of regional culture. [4] explains that when talking about the effectiveness and efficiency of development in the regions, it is important to pay attention to the prerequisites which include good and clean governance, both on a national and local scale. This aspect of *good governance* can not only help eliminate unhealthy practices, but also strengthen control mechanisms for local governments. Therefore, a basic idea to increase the effectiveness of regional autonomy policies is to create good governance, especially at the local level.

The repositioning of the term 'active participation' strengthens the relationship between regional autonomy and the community's ability to take part in the decision-making process. [5] emphasizes that active participation is related to the diverse capacities possessed by the community. By actively involving themselves in the decision-making process, local communities have the opportunity to determine development directions that are in line with local values and their real needs. This is in line with the understanding of regional autonomy, which according to [6] comes from Greek which describes

the authority to regulate and take care of oneself as well as making rules to manage one's own household. Thus, active participation encourages the implementation of regional autonomy by giving communities greater control over the development process in their region

Although much progress has been made, exploration continues in the implementation of the Regional Autonomy and Special Autonomy Laws. Continuous evaluation is needed to ensure that the authority given is in accordance with needs and that regional empowerment truly improves the welfare of society as a whole. Regarding autonomy and welfare, [7] explained that in Indonesia, where the economic system is still very dependent on public sector financing, there is still hope that decentralization policies can significantly improve people's welfare. [8] added that regional autonomy is the right or power given to a region or area to regulate and manage their own affairs in accordance with the interests of the local community. A more comprehensive understanding includes authority or power in the region in various aspects, including economic, political, financial regulations, as well as social, cultural and ideological regulations that are in line with traditional traditions and the local environment. Thus, this exploration becomes an important foundation in building an Indonesia that is more inclusive, sustainable and fair for all levels of society and regions.

The emergence of four regulations on special autonomy and privileges is more the result of the central government's accommodation to political pressure from these three regions which has the potential to cause national disintegration. These four regulations include: Law no. 21 of 2001 concerning Special Autonomy for the Province of Papua which has been replaced by Law Number 35 of 2008 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2008 concerning Amendments to Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua, Law No. . 11 of 2006 concerning Aceh Government, Law no. 29 of 2007 concerning the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia, and Law Number 13 of 2012 concerning the Specialities of the Special Region of Yogyakarta . The Regional Autonomy Law (UU Otsus) and Indonesia's Special Autonomy are legal foundations that give authority to regions to regulate and manage government affairs at the local level. The Special Autonomy Law, which was introduced during the reform era, aims to provide greater space for regions in managing their local resources and interests. Meanwhile, Special Autonomy is granted to several regions that have unique characteristics or face special challenges, which require different treatment in managing autonomy.

The implementation of the Special Autonomy and Special Autonomy Law has had a significant impact on political, economic and social dynamics in Indonesia. According to [9] decentralization has three basic principles, namely 1) Affairs which are the tasks of the central government in the regions in the context of deconcentration are financed from and at the expense of the APBN. 2) Affairs that are the responsibility of the regional government itself within the framework of decentralization are financed and at the expense of the APBD. 3) Affairs which are the tasks of the central government or its upper level regional government, which are carried out within the framework of the tasks of the central government or regional government are financed by the central government at the expense of the APBN or by the regional government at its

upper level at the expense of its APBD as the commissioning party. Schrock, SD, Ullman, GL, & Trout, ND (2002) added that the first important step in maximizing the effectiveness of law enforcement is determining how to operate.

On the one hand, this policy has encouraged the realization of more inclusive and sustainable development at the regional level, enabling local governments to adapt policies to the needs and aspirations of local communities. However, on the other hand, challenges also arise, such as problems of corruption, inequality of development between regions, and conflicts of interest which can hamper the effectiveness of implementing autonomy. [10] states that it is generally known that in countries governed by law, power is exercised based on abstract principles that regulate the behavior of all people (general norms) with equal rules, in contrast to states ruled by the people (order of an individual or group of individuals). The dynamic political and social context in Indonesia shows the need for continuous evaluation of the Special Autonomy and Special Autonomy Law, as well as appropriate policy adjustments so that they remain relevant and effective in achieving sustainable national development goals. Therefore, in-depth research and discussions on the implementation, challenges and opportunities associated with this autonomy policy are important to guide future policy improvements and innovations.

This research aims to analyze the contents of the Regional Autonomy Law and the Special Autonomy Law in Indonesia. [11] said that Indonesia is still developing a legal system that has a social culture. Therefore, this research aims to describe the development of the rule of law in Indonesia. Regional autonomy is a basic principle in the government system in Indonesia, which gives authority and responsibility to regional governments to manage affairs within their territorial scope. The Regional Autonomy Law and the Special Autonomy Law are the legal framework that regulates the mechanisms for implementing autonomy at the regional level.

Recent research exploring the Regional Autonomy Law (UU Otsus) and Indonesia's Special Autonomy highlights the evolution and impact of implementing these policies in a rapidly evolving context. This update includes a detailed analysis of various aspects of implementation, including evaluation of successes and failures, new challenges that arise, and opportunities faced in realizing the goals of regional and special autonomy, while integrating an interdisciplinary approach involving legal, political, economic and economic aspects. social.

This research makes an important contribution to a deeper understanding of the practice of regional and special autonomy in Indonesia, and its impact on national development and stability. By revealing the evolution, challenges and opportunities related to the implementation of the Special Autonomy and Special Autonomy Law, this research can become the basis for formulating more effective and sustainable policies in increasing equitable development, maintaining cultural diversity and strengthening national integration in Indonesia. In addition, by combining an interdisciplinary approach, this research also provides a more holistic insight for policy makers, academics and the general public to deal with complex dynamics in the context of regional and special autonomy.

2 Research Methodology

This research method uses a content analysis method with the main aim of identifying and analyzing the content and substance of the Regional Autonomy Law and the Special Autonomy Law in Indonesia. According to Muhtadi, AS & Djaliel, MA (2003) [12] Content analysis is a research method used to formulate conclusions by systematically and objectively identifying specific characteristics of a text. In the context of the communication research tradition, this analysis is carried out by the process of identifying and examining the messages contained in the text. The data that is the focus of this research is the complete text of the two laws.

A qualitative approach was chosen as the analysis method, allowing researchers to explore and understand in depth the aspects contained in the text of the law. [13] explains that qualitative research is descriptive and usually uses analysis with an inductive approach. Data collection was carried out through literature studies and retrieval of the full text of the Regional Autonomy Law and Special Autonomy Law, ensuring that the analysis was carried out based on accurate and representative data sources. The next content analysis process includes sorting, categorizing and interpreting the content of the text, which will provide a better understanding of the context and implications of these two laws in the context of regional autonomy in Indonesia.

The first stage is data selection and preparation, where the researcher identifies and obtains the complete text of the Regional Autonomy Law and the Special Autonomy Law. This data is then checked to ensure the integrity and availability of the required information. Before carrying out the analysis, researchers conducted an in-depth literature study on the concept of regional autonomy, constitutional law, and the political and social context in Indonesia. It is important to understand the relevant background and framework before conducting content analysis.

Data was obtained by retrieving the full text of the Regional Autonomy Law and the Special Autonomy Law. Data collection must be carried out carefully and thoroughly to ensure that all parts of the two laws can be analyzed. The content analysis process begins with data sorting, where the text of the two laws is divided into units that can be analyzed, such as articles, paragraph, or sub-chapter. Next, the data is categorized based on relevant themes or topics, and then interpreted to identify patterns, trends and meaning contained in the text. The results of the analysis are then validated through further discussion and interpretation. In this stage, researchers seek an in-depth understanding of the implications of the content of the law for the practice of regional autonomy in Indonesia, as well as looking for connections between various parts of the two laws. The final step is the preparation of a research report that includes all the findings and analysis that have been carried out. This report must be prepared clearly and systematically, covering all research stages, main findings, as well as relevant implications and recommendations.

3 Results and Discussion

The results of this research provide important insights into the two main laws governing regional autonomy in Indonesia, namely the Regional Autonomy Law and the Special Autonomy Law. [14] argued that politically and economically, the issue of limiting state power is of course related to capital. The question is to what extent the state can intervene using the powerful means of action at its disposal, to ensure the economy. [15] states that there are 5 (five) general principles of good governance as follows: 1) The principle of honesty (fair play); 2) The principle of accuracy (*zorgvuldigheid*); 3) The principle of purity in goals (*zuiverheid* and *oogmerk*); 4) The principle of balance (*evenwichtigheid*); 5) The principle of legal certainty (*rechts zekerheid*)

In this context, this research not only provides an in-depth understanding of the legal substance of these two laws, but also explores their practical implications in the implementation of regional autonomy at the local level. With a better understanding of the content and substance of the law, stakeholders, including local governments, academics and researchers, will be better able to formulate effective policies and appropriate strategies for implementing regional autonomy in Indonesia.

The Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) are two important laws in regulating the autonomy system in Indonesia. The Autonomy Law, which was first enacted in 1999, provides the legal basis for the implementation of regional autonomy in Indonesia. This law regulates various important aspects such as the division of authority between the central and regional governments, the mechanism for selecting regional heads, and determining administrative regional boundaries. The Regional Autonomy Law provides space for regions to manage their own local resources and affairs, while still paying attention to national policies.

Meanwhile, the Special Autonomy Law grants special authority to several regions in Indonesia that have specific characteristics or needs. This law allows the central government to grant wider autonomy to certain regions, such as Papua, Aceh, or other regions that have special needs. The Special Autonomy Law is usually adopted in response to unique social, political, or economic conditions in the area. For example, the Papua Special Autonomy Law gives additional authority to the Papua regional government in managing natural resources and social welfare policies, while the Aceh Special Autonomy Law gives special authority in the fields of religion and Islamic law.

These two laws have a very important role in strengthening regional authority in managing their own local affairs, in accordance with the principle of autonomy. However, the implementation and effectiveness of these two laws may vary by region, depending on various factors including local government capacity, community support, and coordination between central and regional governments. There are several important points in the Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) in Indonesia which influence the implementation of the autonomy system in this country.

The Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) are the legal foundations that enable the implementation of the autonomy system in Indonesia. The Regional Autonomy Law, which was enacted in 1999, provides the basis for granting regional governments the authority to regulate their own local affairs

in accordance with democratic principles and national interests. This law regulates various aspects such as the division of authority between the central and regional governments, as well as the mechanism for selecting regional heads, thus providing a clear framework for the implementation of regional government in Indonesia. The following is table 1 identification of the Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) in Indonesia.

| No | Important point | Information |
|----|---|---|
| 1 | Grant of Authority | Covers aspects such as the division of authority between the central and regional governments, regional financial arrangements, as well as mechanisms for selecting regional heads. Granting this authority is important to increase community participation in decision making that affects their daily lives. |
| 2 | Flexibility | The Special Autonomy Law provides flexibility to grant additional authority to certain regions that have unique characteristics or needs. This allows the central government to adapt the implementation of autonomy to different local conditions throughout Indonesia. For example, the Special Autonomy Law for Papua and Aceh provides additional authority that other regions do not have. |
| 3 | Strengthening Local Identity and Culture | Through the additional authority granted by the Special Autonomy Law, regions such as Papua and Aceh can further strengthen their local identity and culture. This includes natural resource management, social welfare policies, as well as religious and legal aspects that are in line with the values and needs of local communities. |
| 4 | Implementation Challenges | Even though they have the potential to improve regional welfare and strengthen community participation, the implementation of these two laws does not always run smoothly. Challenges such as lack of regional government capacity, lack of coordination between central and regional governments, |

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| | | as well as political changes that occur from time to time can hamper the effectiveness of implementing regional autonomy. |
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Source: Research Data, 2024

The Special Autonomy Law grants special authority to certain regions that have unique characteristics or needs. For example, the Papua Special Autonomy Law gives additional authority to the Papua regional government in managing natural resources and social welfare policies, while the Aceh Special Autonomy Law grants special authority in the fields of religion and Islamic law. Thus, the Special Autonomy Law provides flexibility to adapt the implementation of autonomy to the social, political and economic conditions in each region.

These two laws play a very important role in strengthening regional authority in managing their own local affairs, while maintaining the unity and integrity of the country. Good implementation of these two laws will increase the efficiency, effectiveness and accountability of local government, as well as strengthen community participation in the local development process. However, challenges in implementing these two laws include capacity issues, coordination between central and regional governments, as well as consistent political support from various relevant parties.

According to [16] From a philosophical perspective, there are two main goals to be achieved through implementing decentralization policies, namely achieving the goals of democracy and prosperity. [17] stated that according to Article 17 and the general explanation of the 1945 Constitution, the government system in Indonesia is known as the Presidential system. Regarding the application of the principle of expertise, this is reflected in the formation of ministries where the administration of various state affairs is handed over to an expert (minister). Furthermore, the regional principle refers to the delegation of authority to agencies in regions outside the central government, which can include deconcentration and decentralization.

In terms of evaluation of the Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus), providing an in-depth understanding of the content and substance of these two laws is very important for stakeholders, including regional governments, academics, and researcher. The Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) have a number of advantages that can have a positive impact on Indonesia:

1. **Regional Empowerment** : These two laws give regional governments the authority to regulate their own local affairs. This can encourage people's active participation in decision-making processes that affect their daily lives. Thus, regional autonomy can be an instrument for regional empowerment in managing resources and determining development directions in accordance with local needs.

2. **Flexibility and Adaptability** : The Special Autonomy Law provides flexibility for certain regions that have unique characteristics or needs to obtain additional authority. This allows policy adjustments to vary local conditions throughout Indonesia. This flexibility allows regions to develop solutions that suit the challenges and opportunities they face.
3. **Strengthening Local Identity and Culture** : The Special Autonomy Law provides space for regions to strengthen their local identity and culture. By gaining additional authority, regions can develop policies that take into account local cultural values and customs. This can help in maintaining cultural heritage and build people's sense of pride in their identity.
4. **Spread of Development** : Implementation of regional autonomy can help in accelerating development at the local level. By granting local governments the authority to regulate their own local affairs, development decisions can be made more responsive to the needs and aspirations of local communities. This can help reduce development disparities between regions in Indonesia.

The Regional Autonomy Law and the Special Autonomy Law have the potential to improve community welfare, strengthen local cultural identity, and accelerate development in various regions in Indonesia. However, to optimize its benefits, commitment and cooperation between the central and regional governments is needed as well as active support from various related parties. According to Indraswati.M. (2012), there are still discrepancies with expectations in the implementation of special autonomy in development and the distribution of funds, which causes different or contrasting conditions. Meanwhile, according to [18] decentralization is the starting point for the realization of regional government policies, starting from the implementation of decentralization policies.

The Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus) have great potential in improving the welfare of society in Indonesia. By giving local governments the authority to regulate their own local affairs, these two laws enable development that is more responsive to the needs and aspirations of local communities. For example, through more effective budget allocation and development programs tailored to regional characteristics, community welfare can be significantly improved.

Apart from that, the Special Autonomy Law provides space for strengthening local cultural identity in various regions in Indonesia. By granting additional authority to regions that have special characteristics or needs, this law allows the development of policies that take into account local cultural values and customs. This not only helps in maintaining rich cultural heritage, but also builds people's sense of pride in their cultural identity. Apart from community welfare and cultural identity, the implementation of the Regional Autonomy Law and the Special Autonomy Law can also accelerate development in various regions in Indonesia. By granting authority to local governments, development decisions can be taken more efficiently and responsive to local

needs. This can help reduce development disparities between regions and ensure that development occurs evenly throughout Indonesia.

To optimize the benefits of the Regional Autonomy Law and the Special Autonomy Law, commitment and cooperation between the central and regional governments is needed as well as active support from various related parties. As stated by [19] decentralization is giving authority to local governments to formulate their own policies in accordance with the conditions and aspirations of local communities. By implementing regional autonomy, many hopes are placed on overcoming various problems that hinder regional progress and development. The importance of good coordination between various levels of government cannot be ignored in ensuring effective implementation of these two laws. Support from the community, academics and the private sector is also very important in ensuring that the policies adopted are in line with the needs and aspirations of local communities.

4 Conclusion

The results of this research provide an in-depth understanding of the two key laws that regulate regional autonomy in Indonesia, namely the Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus). This research not only explores the legal substance of these two laws, but also analyzes their practical implications in the implementation of regional autonomy at the local level. With a better understanding of the content and substance of the law, stakeholders, including local governments, academics and researchers, will be better able to formulate effective policies and appropriate strategies for implementing regional autonomy in Indonesia.

Local governments can be one of the parties most affected by the results of this research. They can use the insights gained to improve the planning, implementation and evaluation processes of regional autonomy policies at the local level. Thus, the results of this research have the potential to increase the efficiency and effectiveness of regional government and improve community welfare at the local level. The Regional Autonomy Law and the Special Autonomy Law have great potential in improving community welfare, strengthening local cultural identity, and accelerating development in various regions in Indonesia. However, to optimize its benefits, commitment and cooperation between the central and regional governments is needed as well as active support from various related parties. The importance of good coordination between various levels of government cannot be ignored in ensuring effective implementation of these two laws. Support from the community, academics and the private sector is also very important in ensuring that the policies adopted are in line with the needs and aspirations of local communities.

To maximize the benefits of the Regional Autonomy Law (UU Otda) and the Special Autonomy Law (UU Otsus), concrete steps are needed to strengthen coordination between central and regional governments and increase active community participation

in the decision-making process related to implementation. regional autonomy. These steps can include providing training and assistance for regional governments in managing autonomy, facilitating dialogue between central and regional governments to discuss strategic issues related to autonomy, as well as developing participatory mechanisms that enable communities to provide input and express their aspirations in the adoption process. decisions at the local level. By strengthening this coordination and participation, the implementation of regional autonomy can be more effective and have a positive impact on community welfare and development in various regions in Indonesia.

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