



Social Welfare and Constitutional Mandates in Indonesia

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Abstract

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The welfare state in Indonesia has a strong constitutional foundation, as mandated in the Preamble of the 1945 Constitution and Article 34, which emphasize the state's obligation to care for the poor, neglected children, and to provide social security and public services. The implementation of this mandate is reinforced through Law No. 11 of 2009 on Social Welfare, which regulates the roles of the government, local governments, and society in meeting citizens' basic needs. However, the transformation of development policy from a top-down to a bottom-up model faces several challenges, including cultural resistance, weak coordination, and limited integration of approaches. Within the framework of the welfare state, the state is expected to reduce social inequality, broaden community participation, and ensure social justice for all citizens. This article analyzes the concept of the welfare state in Indonesia through a literature review of normative foundations, policy dynamics, and challenges in integrating development approaches. Therefore, this study highlights the importance of synergy between active state roles and community participation in achieving sustainable social welfare.



1. Introduction

The Welfare State is a crucial paradigm in the study of public policy that focuses on the government's responsibility to ensure the fulfillment of the basic rights of all citizens. In Indonesia, the concept of the welfare state is deeply rooted in the constitution, particularly in the fourth paragraph of the Preamble to the 1945 Constitution (UUD 1945), which affirms the state's goal to “protect the entire Indonesian nation and all of Indonesia's homeland” and to “advance general prosperity.” Furthermore, Article 34 of the 1945 Constitution explicitly mandates the state to care for the poor and neglected children, as well as to provide social security, health services, and adequate public facilities. Thus, since its founding, the Indonesian constitution has positioned social welfare as a core, non-negotiable mandate.¹

The legal basis for the welfare state was subsequently strengthened through the issuance of Law No. 11 of 2009 concerning Social Welfare, which replaced Law No. 6 of 1974. This regulation affirms the role of the central government, regional governments, and the community in the provision of welfare, which includes social services, rehabilitation, empowerment, protection, and social security. The principles of solidarity, justice, and partnership form the foundation of its implementation, while also emphasizing that the state's responsibility does not operate in isolation but requires community support. However, in its application, this law faces

¹ Hs Tisnanta, James Reinaldo, and Fathoni Fathoni. "The Dilemma of Indonesia Welfare State Challenge of Realizing Social Welfare in the Global Era." *FLAT JUSTISLA: Jurnal Ilmu Hukum* 11, no. 3 (2017): 231-245.

significant challenges, such as limited budget allocation, low bureaucratic capacity, and weak cross-sectoral coordination.²

The dynamics of national development also influence the implementation of the welfare state. During the New Order era, development was more oriented toward a top-down pattern, where the central government was the main designer of policies and programs, which were then uniformly implemented across all regions. This approach had the advantage of policy consistency but often neglected local conditions and specific community needs. After the reformation, a new paradigm emerged emphasizing a participatory or bottom-up approach. Through this approach, the community is given greater space to be involved in the process from policy formulation to implementation, so that the results are expected to be more aligned with local needs.³

Nevertheless, the transition from the top-down to the bottom-up approach has not been fully effective. Several studies note the existence of cultural resistance, where some communities are still accustomed to development patterns driven from the center, making them not fully ready to participate actively. On the other hand, national coordination in bottom-up implementation remains weak, resulting in policy fragmentation across regions. Another challenge is the difficulty of integrating both approaches to form optimal synergy.⁴ In other words, although bottom-up

² Antonino Pedro Marsal, Samsul Arifin, and Iwan Setiawan. "Development of a Legal System to Strengthen the Direction and Structure of Social Welfare Policy." *Journal of Social Science Studies* 1, no. 1 (2021): 197-202.

³ T Pranadji and I. S. Anugrah. "Turning point the concept of rural development in Indonesia from top-down to bottom-up strategy." In *IOP Conference Series: Earth and Environmental Science*, vol. 892, no. 1, p. 012079. IOP Publishing, 2021.

⁴ Rina Suryani Oktari, Syamsidik, Rinaldi Idroes, Hizir Sofyan, and Khairul Munadi. "City resilience towards coastal hazards: An integrated bottom-up and top-down assessment." *Water* 12, no. 10 (2020): 2823.

emphasizes community participation, support from the top-down pattern is still necessary to address large-scale issues while maintaining program sustainability.

In the global context, the welfare state is seen as functioning to reduce social inequality, expand public access to basic services, and ensure equality of opportunity for all citizens. Scandinavian countries are often cited as the ideal model due to their comprehensive social security and universal public services. However, for developing countries like Indonesia, the application of the welfare state faces more complex challenges due to limited resources, weak infrastructure, and uneven institutional capacity. Therefore, the implementation of the welfare state concept in Indonesia must be adapted to its highly diverse social, cultural, and geographical context.⁵

Based on this description, this paper seeks to examine the constitutional and regulatory foundation of the welfare state in Indonesia, while also discussing the dynamics of social policy implementation through top-down and bottom-up development approaches. This study utilizes a literature review method, drawing upon legal documents, academic research, and the latest literature related to the welfare state. The objective is to emphasize the urgency of synergy between the state's active role and community involvement in realizing sustainable social welfare.

⁵ Mulyadi Sumarto. "Welfare regime change in developing countries: Evidence from Indonesia." *Social Policy & Administration* 51, no. 6 (2017): 940-959.

2. Literature Review

Studies on the welfare state in Indonesia have received broad academic attention, particularly concerning constitutional aspects, social policy, and the development approach employed. Much research confirms that the 1945 Constitution provides a strong legal basis for the state's efforts to achieve the prosperity of its people. This is reflected in Article 34, which affirms the state's obligation to care for the poor, neglected children, and provide social security for all citizens.⁶ Nevertheless, a number of studies also find a significant disparity between the norms stipulated in the constitution and the reality of policy implementation on the ground.

The enactment of Law No. 11 of 2009 became an important momentum in updating the regulatory system in the social sector in Indonesia. This law replaces the previous provisions and reinforces the state's role in the administration of social welfare. According to Marsal et al.⁷ this regulation emphasizes the principles of justice, solidarity, and partnership as core tenets. However, structural barriers remain a major obstacle to implementation, such as complex bureaucracy, budget limitations, and weak coordination among agencies. These factors often prevent policies from running as effectively as intended.

⁶ Khudzaifah Dimiyati, Haedar Nashir, Elviandri Elviandri, Absori Absori, Kelik Wardiono, and Arief Budiono. "Indonesia as a legal welfare state: A prophetic-transcendental basis." *Helijon* 7, no. 8 (2021).

⁷ Antonino Pedro Marsal, Samsul Arifin, and Iwan Setiawan. "Development of a Legal System to Strengthen the Direction and Structure of Social Welfare Policy." *Journal of Social Science Studies* 1, no. 1 (2021): 197-202.

In addition to the regulatory dimension, academic discussion also highlights the development approach being pursued. Pranadji and Anugrah,⁸ indicate that the shift from the top-down to the bottom-up model has not been optimally executed. The limited capacity of the community to participate actively is one of the main reasons. Meanwhile, research by Oktari et al.⁹ emphasizes that community cultural resistance also influences the acceptance of the participatory approach, often resulting in policies that are not aligned with local needs or conditions. Thus, although the bottom-up approach is viewed as more democratic, its application requires institutional readiness and stronger government support.

From a global perspective, the welfare state is defined as the role of the state in ensuring the well-being of its citizens through the provision of social security, health services, education, and adequate public facilities. Sumarto,¹⁰ explains that developed countries, especially in the Scandinavian region, are often referenced as models of the welfare state due to their comprehensive and universal systems. Conversely, developing countries like Indonesia face more complex challenges, ranging from limited resources to uneven infrastructure.¹¹ Amidst geographical, social, and demographic diversity, Indonesia is required to design adaptive policy

⁸ T Pranadji and I. S. Anugrah. "Turning point the concept of rural development in Indonesia from top-down to bottom-up strategy." In *IOP Conference Series: Earth and Environmental Science*, vol. 892, no. 1, p. 012079. IOP Publishing, 2021.

⁹ Rina Suryani Oktari, Syamsidik, Rinaldi Idroes, Hizir Sofyan, and Khairul Munadi. "City resilience towards coastal hazards: An integrated bottom-up and top-down assessment." *Water* 12, no. 10 (2020): 2823.

¹⁰ Mulyadi Sumarto. "Welfare regime change in developing countries: Evidence from Indonesia." *Social Policy & Administration* 51, no. 6 (2017): 940-959.

¹¹ Wilmar Salim and Siwage Dharma Negara. "Infrastructure development under the Jokowi administration: Progress, challenges and policies." *Journal of Southeast Asian Economies* 35, no. 3 (2018): 386-401.

strategies, integrating top-down patterns to address national-scale issues and bottom-up approaches to respond to local needs more specifically.

Based on these various studies, it can be concluded that Indonesia normatively possesses a sufficiently strong legal and policy foundation to build a welfare state system. However, implementation on the ground still faces many obstacles.¹² The main challenges lie not only in budget constraints or bureaucracy but also in coordination among actors, the gap between regulation and practice, and low community empowerment. Therefore, better synergy is needed among the government, regional governments, and the community to ensure that the goals of the welfare state can be achieved sustainably.

3. Method

This research employs the literature review method as the primary approach to analyze the concept of the welfare state and its implementation practices in Indonesia. The selection of this method is based on its strength in examining, comparing, and integrating diverse relevant literature, including legal documents, formal regulations, and recent scholarly works. The literature approach is deemed appropriate because this research focuses on normative and conceptual analysis, rather than on collecting empirical data in the field.

The initial stage of the research is directed toward identifying the constitutional basis related to the state's role in realizing social welfare. Emphasis is

¹² Cornelia Rumpel, Farshad Amiraslani, Claire Chenu, Magaly Garcia Cardenas, Martin Kaonga, Lydie-Stella Koutika, Jagdish Ladha et al. "The 4p1000 initiative: Opportunities, limitations and challenges for implementing soil organic carbon sequestration as a sustainable development strategy." *Ambio* 49, no. 1 (2020): 350-360.

placed on the provisions in the Preamble to the 1945 Constitution and Article 34, which affirm the state's obligation to provide social security and protection for vulnerable groups. Subsequently, the study continues with a regulatory review, particularly of Law No. 11 of 2009 concerning Social Welfare, which replaced Law No. 6 of 1974. The regulatory analysis is carried out by reviewing the legal substance, scope, and principles of social welfare provision regulated in the said law.

The next step is to examine academic literature consisting of relevant journal articles, books, and research reports. Literature is selected based on topic relevance criteria, specifically publications that explicitly discuss the welfare state, social policy, and development approaches in Indonesia. The focus of the analysis is directed toward works that highlight the shift in the development paradigm from the top-down to the bottom-up approach, while also examining the obstacles and dynamics of their application in the socio-political context of Indonesia.

Data analysis is performed using a descriptive-analytical approach. All collected literature is grouped into main themes: constitutional basis, regulatory instruments of social policy, development approaches, and the implementation practices of the welfare state. The results of the categorization are then integrated to construct a more complete argument about Indonesia's position as a welfare state and the challenges faced in policy practice. By applying this method, the research is expected to present a comprehensive overview of the welfare state concept in Indonesia, both from the normative side and the implementative dimension. Furthermore, this study also attempts to provide a critical analysis of how the

integration between the top-down and bottom-up approaches can be strengthened to ensure the achievement of sustainable social welfare provision.

4. Results

4.1. Constitutional Basis and Social Policy

The fundamental basis of the welfare state in Indonesia is rooted in the Preamble to the 1945 Constitution and Article 34. The Constitution is not merely a normative symbol but also a legal framework that binds the state to fulfill its social obligations to all its citizens. Article 34 paragraph (1) explicitly states that the poor and neglected children are cared for by the state, while paragraphs (2) and (3) expand this mandate by regulating the provision of social security systems, health services, and the state's responsibility to ensure access to adequate public services. From this provision, it can be understood that social welfare is not positioned as an optional policy, but rather a constitutional mandate that must be carried out by the state without exception.¹³ In other words, the presence of the welfare state is a logical consequence of the national ideals contained in the constitution since the beginning of independence.

As a form of implementing the constitutional mandate, Law No. 11 of 2009 concerning Social Welfare was enacted. This regulation replaced Law No. 6 of 1974 and introduced a new paradigm in the governance of social welfare in Indonesia. The law emphasizes an integrated approach, where implementation is not only the

¹³ Sandro Mezzadra. "The Citizen and the Subject: A Post-Colonial Constitution for the European Union?." In *Conflict, power, and the landscape of constitutionalism*, pp. 80-92. Routledge India, 2020.

responsibility of the central government but also involves regional governments and active community participation. The principles of solidarity, justice, and partnership are made the basis of implementation, marking a shift from the old paradigm where the state acted as the sole actor, toward a collaborative pattern demanding multi-actor synergy. Nevertheless, the implementation of this regulation still faces a number of obstacles. Marsal et al.¹⁴ highlight that weak coordination among agencies, limited bureaucratic capacity, and constraints in budget management are key factors impeding the effectiveness of social policy provision.

In the practical realm, various social programs have been launched by the government as a tangible effort to fulfill the social security mandate. For example, the Family Hope Program (*Program Keluarga Harapan /PKH*) is designed to provide conditional cash assistance to poor families, while the Non-Cash Food Assistance (*Bantuan Langsung Non Tunai/BPNT*) functions to provide access to basic necessities through a non-cash mechanism. Both programs are an important part of the strategy for poverty reduction and the fulfillment of basic community rights. However, their implementation is not without several problems. Errors often occur in beneficiary data, there are delays in aid distribution, and issues arise concerning funding sustainability, which depends on the state's fiscal stability.¹⁵ These problems indicate a significant gap between the ideal legal norms and the factual conditions of implementation on the ground. This condition demonstrates that a strong

¹⁴ Antonino Pedro Marsal, Samsul Arifin, and Iwan Setiawan. "Development of a Legal System to Strengthen the Direction and Structure of Social Welfare Policy." *Journal of Social Science Studies* 1, no. 1 (2021): 197-202.

¹⁵ Suyeon Yang and Sangchan Park. "The effects of renewable energy financial incentive policy and democratic governance on renewable energy aid effectiveness." *Energy Policy* 145 (2020): 111682.

constitutional foundation has not been fully capable of guaranteeing the effectiveness of the welfare state system in Indonesia. Therefore, for the mandate of the 1945 Constitution to be truly realized, serious institutional reform steps are needed.

This reform includes improving the data collection system to be more accurate and integrated, enhancing the capacity of bureaucratic apparatus to implement programs professionally, and optimizing cross-sectoral coordination to ensure more harmonious policy execution. Furthermore, strengthening community participation is also important, considering that community involvement can reinforce the control function while supporting program sustainability. With the support of a clear legal framework and systemic improvement efforts, Indonesia has the potential to move further toward an inclusive and sustainable welfare state. This aligns with the constitutional objective that places general prosperity as one of the nation's ideals. If institutional, bureaucratic, and funding obstacles can be overcome, then the integration between regulation and practice can be achieved more consistently. Ultimately, the welfare state in Indonesia will not just be normative jargon but will be tangibly present through policies that favor the people, especially the most vulnerable groups.¹⁶ Thus, strengthening the welfare state is not merely a political choice but a moral and constitutional obligation that must be realized for social justice for all Indonesian people.

¹⁶ Wahyu Widodo and Toebagus Galang. "Poverty, evictions and development: Efforts to build social welfare through the concept of welfare state in Indonesia." In *3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)*, pp. 260-263. Atlantis press, 2019.

4.2. Shift in Development Approach and Welfare State Implementation

The shift in the development paradigm from a top-down to a bottom-up pattern is one of the significant dynamics in the trajectory of Indonesian social policy. During the New Order era, development was largely based on a centralistic model, where the central government was the main policy designer and controller of implementation across all regions. The top-down approach certainly had the advantage of maintaining policy consistency and national stability, but on the other hand, it neglected the local context, social diversity, and the aspirations of communities at the grassroots level. Consequently, although policies appeared uniform across the entire region, they were often not suitable for the specific needs of the local community, and even created a gap between national goals and local realities.

The reformation era brought a wind of change by opening up wider opportunities for community participation through the bottom-up paradigm. This approach provides space for local communities to participate in plan formulation, decision-making, and the implementation of development programs. With this participation, policies are expected to be more responsive, aligned with community needs, while also fostering a sense of ownership over the development programs. Nevertheless, research by Pranadji and Anugrah¹⁷ asserts that this transition has not run smoothly. The main obstacle lies in the limited capacity of the community to formulate effective and sustainable policies. Many communities are not yet

¹⁷ T Pranadji and I. S. Anugrah. "Turning point the concept of rural development in Indonesia from top-down to bottom-up strategy." In *IOP Conference Series: Earth and Environmental Science*, vol. 892, no. 1, p. 012079. IOP Publishing, 2021.

accustomed to being involved in formal decision-making processes, leading to participation that tends to be symbolic.

In addition to capacity limitations, cultural factors also pose a major challenge. As noted by Oktari et al.¹⁸ cultural resistance to active participation remains quite strong, especially in areas accustomed to development patterns driven from the top. This condition means that the community is not fully ready to play an active role, thus the effectiveness of the bottom-up approach is often suboptimal. As a result, although this new paradigm offers a broader space for democratization, its implementation still faces complex structural and cultural constraints.

Within the framework of the welfare state, the integration of the top-down and bottom-up approaches becomes very urgent. The top-down approach is still needed to ensure uniform national standards, equitable distribution of resources, and the resolution of macro issues such as poverty, unemployment, and inter-regional inequality. On the other hand, the bottom-up approach plays an important role in adapting policies to local conditions, strengthening program relevance, and fostering a sense of community responsibility for the success of social development.¹⁹ Thus, the synergy between the two can result in policies that are not only nationally consistent but also locally adaptive.

One concrete example of the integration of these two approaches can be found in the post-reformation village development program. The Village Fund

¹⁸ Rina Suryani Oktari, Syamsidik, Rinaldi Idroes, Hizir Sofyan, and Khairul Munadi. "City resilience towards coastal hazards: An integrated bottom-up and top-down assessment." *Water* 12, no. 10 (2020): 2823.

¹⁹ Ying Li, Robert JS Beeton, Thomas Sigler, and Anthony Halog. "Enhancing the adaptive capacity for urban sustainability: A bottom-up approach to understanding the urban social system in China." *Journal of environmental management* 235 (2019): 51-61.

Program (Dana Desa), for example, grants greater authority to the village government to manage its budget independently according to local community needs.²⁰ However, the program's implementation remains within the framework of national regulations that govern standards, mechanisms, and accountability procedures. This model proves that collaboration between the top-down and bottom-up approaches can run effectively if equipped with adequate supervisory instruments, transparency in budget management, and clear accountability.

Based on this description, it can be affirmed that the success of the welfare state in Indonesia heavily depends on the state's ability to integrate both development approaches harmoniously. Without good coordination, social policy risks fragmentation, making the main goal of achieving community welfare difficult to reach. Furthermore, cultural resistance to active participation also needs to be overcome through political education, community empowerment, and familiarization with democratic mechanisms at the local level. With these steps, the integration of the top-down and bottom-up approaches does not just become a policy strategy but also the foundation for realizing an inclusive, adaptive, and sustainable welfare state.

5. Discussion

The results of the analysis show that Indonesia fundamentally possesses a solid constitutional foundation in its efforts to build a welfare state. The 1945

²⁰ Siti Nuraini Dina Heriyati, Izzato Millati, Aprilia Dwi Puriyanti, and Ratna Dwi Lestari. "Village Funds: A Study of Community Village Monitoring." In *International Conference on Management, Business, and Technology (ICOMBEST 2021)*, pp. 76-80. Atlantis Press, 2021.

Constitution explicitly affirms the state's obligation to guarantee general prosperity, while further regulation through Law No. 11 of 2009 provides a more operational legal framework.²¹ With this legal basis, the state has strong legitimacy to carry out various social programs. However, the reality on the ground indicates a tangible gap between legal norms and policy implementation. This gap is evident from the weak coordination among bureaucratic agencies, limitations in budget allocation, and technical issues, such as the inaccuracy of beneficiary data for social assistance programs, which often leads to targeting errors.

From an international comparative perspective, Indonesia's position can still be categorized as a country in the transitional stage of building a welfare state. When compared to Scandinavian countries, the difference is clear. These countries have developed universal social security systems that reach all citizens without discrimination. Meanwhile, Indonesia remains heavily reliant on social assistance programs that are selective, limited, and focus more on certain groups considered vulnerable.²² The main factors behind this condition are the state's limited fiscal capacity and the complexity of the social structure, which complicates the rapid application of a universal welfare model.

Besides institutional and fiscal issues, there is an important matter regarding the development paradigm that also affects the effectiveness of welfare policy. The shift from the top-down to the bottom-up approach has raised hopes for increased

²¹ MY Aiyub Kadir and Alexander Murray. "Resource nationalism in the law and policies of Indonesia: A contest of state, foreign investors, and indigenous peoples." *Asian Journal of International Law* 9, no. 2 (2019): 298-333.

²² Rina Agustina, Teguh Dartanto, Ratna Sitompul, Kun A. Susiloretni, Endang L. Achadi, Akmal Taher, Fadila Wirawan et al. "Universal health coverage in Indonesia: concept, progress, and challenges." *The Lancet* 393, no. 10166 (2019): 75-102.

space for community participation. The bottom-up approach is believed to be capable of promoting policies that are more in line with local needs. Nevertheless, without strong top-down policy support, community participation is often undirected and potentially ineffective. Therefore, the integration of both is unavoidable. Macro issues such as poverty, access to health, and education require firm and uniform national policy intervention, while local issues still demand a community-based approach so that programs are truly relevant to local conditions.²³

Recent literature also emphasizes the urgency of innovation in social policy that can respond to both global and local dynamics. One example of a crucial innovation is the digitalization of beneficiary data, which not only improves accuracy but also strengthens program transparency. Furthermore, community empowerment through education, training, and skill enhancement is an important instrument for strengthening capacity within the framework of the bottom-up approach. On the other hand, the central government is still required to ensure structured and consistent national coordination so that policy fragmentation between regions can be minimized.

Thus, it can be affirmed that the development of the welfare state in Indonesia cannot be understood solely from the normative side enshrined in the constitution and laws. Success is also highly determined by the dynamics of implementation, institutional capacity, and the active involvement of the community in supporting the execution of social programs. The synergy between the state's role in

²³ Arie Stoffelen, Bright Adiyia, Dominique Vanneste, and Nico Kotze. "Post-apartheid local sustainable development through tourism: an analysis of policy perceptions among 'responsible' tourism stakeholders around Pilanesberg National Park, South Africa." *Journal of Sustainable Tourism* 28, no. 3 (2020): 414-432.

guaranteeing national standards and community participation in strengthening local relevance becomes an absolute prerequisite for achieving sustainable social welfare goals.

6. Conclusion

This study confirms that the concept of the welfare state in Indonesia has a solid constitutional foundation through the 1945 Constitution and is strengthened by Law No. 11 of 2009. The Constitution affirms the state's obligation to care for the poor, neglected children, and provide social security and public services. However, the gap between legal norms and policy implementation remains a major challenge. Issues of bureaucracy, budget constraints, and weak coordination are the main factors impeding the achievement of welfare state goals.

The shift in the development paradigm from top-down to bottom-up also poses new challenges. The desired community participation has not been fully effective due to limited capacity and cultural resistance. Therefore, the integration of both approaches is an important solution so that national policies can proceed in tandem with local needs. In conclusion, the success of the welfare state in Indonesia heavily relies on the synergy between the state's role and the community. Institutional reform, strengthening the data collection system, community empowerment, and cross-sectoral coordination are urgent agendas to ensure that the constitutional mandate can be realized. With these steps, Indonesia can move closer toward an inclusive, just, and sustainable welfare state.

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