



The Role of Authority and Legal Sovereignty in Indonesia's Decentralized Regional Governance

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Abstract

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The distribution of authority and power within Indonesia's constitutional system has experienced significant development since the amendments to the 1945 Constitution. Constitutional reforms emphasized a horizontal separation of powers among the legislative, executive, and judicial branches, as well as a vertical distribution through the implementation of regional autonomy. The principle of legal sovereignty positions law as the highest authority, ensuring that the powers of state institutions and local governments are always grounded in legal norms. In the context of an archipelagic state, decentralization provides a strategic solution to address the country's vast territory and socio-cultural diversity. Regional autonomy grants local governments the space to manage their own administrative affairs, aiming to deliver effective and democratic public services. However, the practice of decentralization faces challenges, including overlapping regulations, varying capacities among regions, and slow bureaucratic processes. Inter-regional cooperation emerges as a key instrument to strengthen national integration and enhance public welfare. This study employs a normative juridical approach to analyze the dynamics of authority, power, and decentralization within the framework of regional autonomy.



1. Introduction

The discussion regarding the relationship between power, authority, and the sovereignty of law within the Indonesian constitutional system has a strong relevance to the national development agenda. The Amendment of the UUD 1945 affirms the separation of powers, both horizontally among the legislative, executive, and judiciary branches, and vertically through the mechanism of decentralization, which positions regions as autonomous entities.¹ This structure reflects a fundamental shift from a centralized pattern towards a more balanced distribution of authority. In this context, law serves as the highest foundation governing the exercise of power, ensuring the legitimacy of every public policy, and overseeing the practice of government administration to remain consistent with the principles of a rule of law state.

Decentralization is considered a strategic instrument to address Indonesia's geographical challenges and diversity. With regional autonomy, local governments gain the authority to manage their own internal affairs, including aspects of public service, infrastructure development, and human resource quality improvement. This is crucial because development concentrated cause inter-regional disparities. Through the division of authority, the development process can be implemented more equitably, adapting to the needs and potential of each region.²

¹ Eko Prasajo and Defny Holidin. "Leadership and public sector reform in Indonesia." In *Leadership and Public Sector Reform in Asia*, vol. 30, pp. 53-83. Emerald Publishing Limited, 2018.

² Andi Yakub, Ahmad Bashawir Abdul Ghani, and Mohammad Syafiâ. "Urgency of political decentralization and regional autonomy in Indonesia: Local Perspectives." *Journal of International Studies* 14 (2018): 141-150.

The principle of the sovereignty of law ensures that regional development is viewed not only from an economic perspective but also from legal legitimacy. Every development policy, whether related to budget management, inter-regional cooperation, or investment licensing, must adhere to the prevailing laws and regulations. Thus, legally-based development can minimize the risk of abuse of power while simultaneously fostering transparent and accountable governance.³

Although decentralization provides broad scope for regions in determining the direction of development, its implementation faces various challenges. The variation in the capacity of local governments leads to differences in the quality of public services. Regions with more adequate resources tend to be able to drive sustainable development, while underdeveloped regions still rely on transfer funds from the central government. Another challenge is the overlapping of regulations and slow bureaucracy, which impede the implementation of development programs. In this context, inter-regional cooperation becomes highly important. Cross-regional collaboration allows for the optimization of local economic potential, strengthens market integration, and expands the reach of public services. Furthermore, this cooperation can also be a solution to the limitations in budget or technical capacity in some regions.⁴

In addition, regional development must still be viewed as part of national integration. Decentralization is not intended to create new sovereignty at the local

³ Ngesti Prasetyo, Moh Fadli, S. N. Tunggul, and Muchamad Safaat. "The Politics of Indonesias Decentralization Law Based on Regional Competency." *Branvijaya Law Journal* 8, no. 2 (2021): 159-84.

⁴ Lyudmila Pronko, Tatyana Kolesnik, and Oksana Samborska. "Activities of united territorial communities as a body of local government in the conditions of power decentralization in Ukraine." *Baltic Journal of Economic Studies* 4, no. 2 (2018): 184-190.

level, but rather to strengthen unity by providing space for participation and representation of the regional community. Thus, regional autonomy and development are two complementary aspects: autonomy grants authority, while development yields tangible benefits for the people's welfare. For this goal to be achieved, a strict oversight system, clear regulations, and coordination between the central and local governments are needed. This approach allows development to proceed inclusively, fairly, and in line with the principles of a rule of law state.⁵

The relationship between power, authority, the sovereignty of law, decentralization, and development reflects Indonesia's effort to balance national stability with local needs. Regional development is not only an end goal but also a means to strengthen democracy, broaden access to justice, and ensure equitable welfare across all parts of the country. Through this mechanism, development can become a strategic instrument to reinforce legal legitimacy while enhancing the quality of life for the community evenly across the nation.

2. Literature Review

The literature review concerning decentralization, regional autonomy, and the sovereignty of law in Indonesia indicates that constitutional reform has brought significant changes in the relationship between the central and local governments. The objective of decentralization is to strengthen democratic practice, open space for community participation, and enhance the effectiveness of development at the

⁵ Arief Maulana, Chumanidya Utami, and Lukman Ikbil Hanafi. "The Progress of Regional Autonomy Policy and Development Attainments: Indonesia's Experience (1999-2021)." *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu dan Praktek Administrasi* 19, no. 1 (2022): 95-111.

local level. Yakub et al.⁶ emphasize that political decentralization is an urgent necessity for Indonesia because it allows for the creation of governance that is more responsive to the demands and needs of the local community.

The principle of the sovereignty of law serves as an important foundation in regulating decentralization. Law acts as a guideline and a boundary for local governments in exercising the authority delegated from the center. According to Prasetyo et al.⁷ the implementation of legal policy within the framework of decentralization must adjust to the capacity and competence of each region to create a balance between regional autonomy and national integration. In other words, the sovereignty of law ensures that the exercise of regional authority remains within the corridor of rules that guarantee the unity and legitimacy of the state. Furthermore, the principle of original authority in territorial decentralization is a vital factor in maintaining the balance between the center and the regions. Pronko et al.⁸ explain that original authority provides formal legitimacy for regions to manage their own internal affairs.

This principle also functions as a safeguard against the risk of disintegration, as regions have a clear legal basis for determining the direction of their local development and policies. Thus, original authority is not just an administrative aspect but also a strategic instrument to strengthen the legitimacy of the local

⁶ Andi Yakub, Ahmad Bashawir Abdul Ghani, and Mohammad Syafiâ. "Urgency of political decentralization and regional autonomy in Indonesia: Local Perspectives." *Journal of International Studies* 14 (2018): 141-150.

⁷ Ngesti Prasetyo, Moh Fadli, S. N. Tunggul, and Muchamad Safaat. "The Politics of Indonesias Decentralization Law Based on Regional Competency." *Branvijaya Law Journal* 8, no. 2 (2021): 159-84.

⁸ Lyudmila Pronko, Tatyana Kolesnik, and Oksana Samborska. "Activities of united territorial communities as a body of local government in the conditions of power decentralization in Ukraine." *Baltic Journal of Economic Studies* 4, no. 2 (2018): 184-190.

government. The literature also highlights the importance of inter-regional cooperation in the context of development. Maulana et al.⁹ assert that the implementation of regional autonomy is not sufficient merely through the granting of formal authority; cross-regional collaboration mechanisms are needed to overcome limitations in technical capacity, budget, and human resources in some areas. This collaboration enables the optimization of local economic potential, better market integration, and the expansion of access to public services, making development more equitable and sustainable.¹⁰

From a comparative perspective, Gavkalova et al.¹¹ compare the system of regional autonomy in Indonesia with practices implemented in Germany, emphasizing that the success of decentralization heavily depends on the consistency of regulations that support local development. This study shows that effective decentralization requires clear regulations, a good coordination structure, and a strict oversight mechanism to ensure that regional policies align with national development objectives. The current literature confirms that decentralization and regional autonomy are not only political dimensions but also have a strategic role in national development. This approach enables development that is inclusive, responsive to local needs, and capable of bringing about equitable community welfare across all regions of Indonesia.

⁹ Arief Maulana, Chumanidya Utami, and Lukman Ikbil Hanafi. "The Progress of Regional Autonomy Policy and Development Attainments: Indonesia's Experience (1999-2021)." *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu dan Praktek Administrasi* 19, no. 1 (2022): 95-111.

¹⁰ Başak Kalkanci, Morvarid Rahmani, and L. Beril Toktay. "The role of inclusive innovation in promoting social sustainability." *Production and Operations Management* 28, no. 12 (2019): 2960-2982.

¹¹ Nataliia Leonidivna Gavkalova and Irina Volodimyrivna Kolupaieva. "Decentralization of public administration in the process of building a democratic society." *Public Policy and Administration* 17, no. 2 (2018): 216-225.

3. Method

This research employs the normative juridical method, which focuses on the study of positive law and legal doctrines applicable in Indonesia. This approach is chosen because the issue of the division of power, authority, the sovereignty of law, and decentralization falls within the domain of constitutional law studies, requiring in-depth analysis of the constitutional text, statutory regulations, and state institutional practices. The normative juridical method focuses on library research by examining primary legal materials in the form of the UUD NRI Tahun 1945 and its amendments, laws related to local government, and implementing regulations such as Government Regulations concerning regional cooperation.

In addition to primary legal materials, this research also uses secondary legal materials, including academic literature, scientific journals, and relevant previous research findings. These sources provide a theoretical perspective on the concepts of decentralization, the sovereignty of law, and regional autonomy, and strengthen the argumentation in analyzing emerging issues. The study of the doctrines of constitutional law experts is used as a basis for interpreting laws and regulations in both historical and practical contexts. The normative juridical method in this research also utilizes the conceptual approach and the statute approach. The conceptual approach is used to understand the basic ideas regarding the division of power, authority, and the sovereignty of law as developed in legal theory and Indonesian constitutional practice. The statute approach is carried out by examining the legal norms contained in laws and regulations concerning local government, such

as Law Number 32 of 2004, Law Number 23 of 2014, and Government Regulation Number 28 of 2018 regarding regional cooperation.

The use of the normative juridical method allows this research to assess the extent to which existing legal norms can address the challenges of decentralization and regional development. Legal analysis does not stop at examining the text of the law but also considers its application in practice. For instance, bureaucratic constraints, overlapping regulations, and differing regional capacities are analyzed within the framework of whether they align with the spirit of the constitution and the principles of a rule of law state.

Thus, this research is not only descriptive but also evaluative regarding the effectiveness of law in realizing the goals of regional autonomy and development. Finally, the results of this method are expected to provide a comprehensive overview of the relationship between the division of power, authority, the sovereignty of law, decentralization, and regional development. This research contributes theoretically to the development of constitutional law science, and practically can serve as input for policymakers in formulating regulations that are more consistent, clear, and effective for achieving community welfare through equitable decentralization.

4. Results

4.1. Division of Power, Sovereignty of Law, and Regional Autonomy

The Amendment of the UUD 1945 marks a significant point in the evolution of Indonesia's constitutional system. Before the amendment, power tended to be centralized in the hands of the president, leading to a tendency toward executive

dominance. The constitutional change then introduced a more structured system of separation of powers among the legislative, executive, and judiciary branches, and provided scope for the implementation of regional autonomy.¹² The horizontal division of power functions as a check and balance mechanism among state institutions, while the vertical division aims to harmonize the administration of government with the diversity and vastness of Indonesian territory.

This structure reflects a shift from a centralized model towards a more proportional and adaptive distribution of authority to regional conditions. Power, defined as the ability to manage state affairs, differs from authority, which is the right granted by law to perform specific actions. This means that state authority is not absolute but is limited by the prevailing rule of law. The principle of the sovereignty of law affirms that law is the highest authority, so every state institution and public official must carry out their duties within the corridor of laws and regulations. This aligns with the view of Prasetyo et al.¹³ who emphasize that decentralization must be based on the legal competence of the region to avoid uncertainty or tension between the central and local governments. Thus, the sovereignty of law becomes an instrument that maintains the legitimacy and stability of the exercise of authority. Regional autonomy within the Indonesian legal framework is viewed as a means of democratization as well as an instrument of development. Yakub et al.¹⁴ affirm that

¹² Suparto Suparto. "The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive." *UNIFIKASI: Jurnal Ilmu Hukum* 8, no. 1 (2021): 53-69.

¹³ Ngesti Prasetyo, Moh Fadli, S. N. Tunggul, and Muchamad Safaat. "The Politics of Indonesias Decentralization Law Based on Regional Competency." *Brawijaya Law Journal* 8, no. 2 (2021): 159-84.

¹⁴ Andi Yakub, Ahmad Bashawir Abdul Ghani, and Mohammad Syafiâ. "Urgency of political decentralization and regional autonomy in Indonesia: Local Perspectives." *Journal of International Studies* 14 (2018): 141-150.

political decentralization in Indonesia is an urgency because only through this mechanism can local government respond to community needs more effectively.

With broader authority, local governments have the capacity to design development policies according to the region's characteristics, resource potential, and local community aspirations. This autonomy allows local governments to innovate in optimizing resource utilization while providing public services that are more relevant to the needs of the community. However, the implementation of regional autonomy faces various challenges. Pronko et al.¹⁵ emphasize the importance of the principle of original authority in territorial decentralization as the basis of regional legitimacy. Without this principle, the authority held by the region tends to be a mere formality and is vulnerable to revocation by the center. Therefore, strengthening original authority is key to creating stability in local government and reinforcing the foundation of development at the regional level. This principle ensures that every development policy and program has clear legal legitimacy so as not to cause vertical or horizontal conflict. The sovereignty of law also plays a central role in ensuring that the implementation of regional autonomy proceeds according to constitutional goals.

Clear, consistent, and non-overlapping regulations are highly necessary so that regional authority can be exercised without causing disputes between institutions or regions. Gavkalova et al.¹⁶ emphasize that regulatory consistency is a prerequisite for

¹⁵ Lyudmila Pronko, Tatyana Kolesnik, and Oksana Samborska. "Activities of united territorial communities as a body of local government in the conditions of power decentralization in Ukraine." *Baltic Journal of Economic Studies* 4, no. 2 (2018): 184-190.

¹⁶ Nataliia Leonidivna Gavkalova and Irina Volodymyrivna Kolupaieva. "Decentralization of public administration in the process of building a democratic society." *Public Policy and Administration* 17, no. 2 (2018): 216-225.

regional autonomy to truly contribute to equitable development and strengthen national integration. The literature review shows that the division of power and authority in Indonesia is still in the stage of consolidation. The Amendment of the UUD 1945 has provided a strong normative foundation, but its effectiveness heavily depends on oversight, regulatory strengthening, and the consistent application of the principle of the sovereignty of law. With this approach, regional autonomy can proceed in harmony with national development goals, resulting in stable government, and realizing community welfare across all parts of the country.

4.2. Decentralization, Regional Development, and Inter-Regional Cooperation

Decentralization in Indonesia plays a strategic role in encouraging development at the regional level. By granting authority to local governments to manage their own household affairs, development is no longer centralized in Jakarta but can be spread equitably across the entire territory. This is in line with the goal of regional autonomy, which is to improve community welfare through public services that are more effective, efficient, and appropriate to local needs. This approach emphasizes the importance of adapting development policies to the characteristics and aspirations of the local community. Sung and Hakim¹⁷ emphasize that the implementation of regional autonomy cannot be understood merely as the delegation of administrative authority.

¹⁷ Ming-Hsi Sung and Hary Abdul Hakim. "Unitary, Federalized, or Decentralized?: The Case Study of Daerah Istimewa Yogyakarta as the Special Autonomous Regions in Indonesia." *Indonesian Comparative Law Review* 1, no. 2 (2019): 103-121.

Decentralization must be viewed as a new paradigm in governance, which stresses regional independence in planning and implementing development. This means that local governments are not merely executors of central policies but act as designers of development strategies that consider local social, economic, and cultural conditions. Thus, regional autonomy encourages policy innovation while strengthening government accountability at the local level. However, in practice, there is a significant gap between developed and underdeveloped regions. Regions with abundant natural resources tend to be more capable of implementing sustainable development, while regions with limited resources are still heavily dependent on transfer funds from the central government. This inequality has the potential to cause an uneven distribution of development and widen the socio-economic gap between regions. Therefore, inter-regional cooperation becomes an important instrument to bridge this gap and ensure more balanced development.

Inter-regional cooperation is regulated in Government Regulation Number 28 of 2018 which replaces Government Regulation Number 50 of 2007. This regulation emphasizes the principles of equality, sustainability, and mutual benefit in every form of collaboration. Talitha et al.¹⁸ affirm that this regulation provides a clear legal framework for local governments in establishing cooperation, both in terms of infrastructure development, natural resource management, and local economic development. With legal certainty, regions have a formal basis for planning and executing collaborations more effectively. Inter-regional cooperation also has a

¹⁸ Tessa Talitha, Tommy Firman, and Delik Hudalah. "Welcoming two decades of decentralization in Indonesia: a regional development perspective." *Territory, Politics, Governance* 8, no. 5 (2020): 690-708.

strategic function in strengthening national integration. Hariyati et al.¹⁹ emphasize that decentralization should not be understood as the fragmentation of the state but as a mechanism to expand democracy and increase community participation. Inter-regional collaboration becomes an instrument to maintain national unity while strengthening economic, social, and political ties between regions. In addition, cooperation with third parties, such as the private sector and international organizations, is also an important supporting factor in regional development. However, challenges arise from differences in interests, limited capacity, and regulatory complexity that often hinder the effectiveness of collaboration.

Therefore, there is a need for bureaucratic simplification and increased capacity of regional apparatus so that cooperation can proceed smoothly, effectively, and be oriented towards improving community welfare. Thus, the research shows that decentralization and regional autonomy have a dual function: first, as a mechanism for distributing authority that strengthens democracy; second, as a means to encourage equitable regional development. Inter-regional cooperation and collaboration with third parties are important factors for realizing inclusive, equitable, and sustainable development across all regions of Indonesia.²⁰ This approach ensures that decentralization not only expands authority but also generates a tangible impact on enhancing the quality of life for the local community.

¹⁹ Desy Hariyati, Defny Holidin, and Imas Cempaka Mulia. "Centralized Local Development versus Localized Central Arrangement in Village Autonomy Policy Implementation in Indonesia." *BISNIS & BIROKRASI: Jurnal Ilmu Administrasi Dan Organisasi* 27, no. 2 (2021): 97-106.

²⁰ Freddy Marín-González, Sharmila Rani Moganadas, Ana Judith Paredes-Chacín, Sook Fern Yeo, and Subhacini Subramaniam. "Sustainable local development: Consolidated framework for cross-sectoral cooperation via a systematic approach." *Sustainability* 14, no. 11 (2022): 6601.

5. Discussion

The study results indicate that decentralization and regional autonomy in Indonesia play a crucial role in promoting more equitable development. However, there are a number of challenges that need deeper attention. One of the main problems is the imbalance of capacity among regions in managing their authority. Regions with adequate natural resources and infrastructure tend to accelerate development more easily, while regions with fiscal limitations experience significant obstacles. This inequality has the potential to cause socio-economic gaps that contradict the initial goal of decentralization. Therefore, support from the central government through fair and targeted fiscal assistance is important to ensure that all regions have an equal opportunity to develop.²¹

In addition to the issue of capacity imbalance, another emerging challenge is the overlapping of regulations and complex bureaucracy. Inconsistent laws and regulations often hinder the implementation of development at the regional level. For example, differing rules regarding investment licensing or natural resource management between regions can lead to legal uncertainty and conflicts of authority. This situation emphasizes the importance of strengthening the principle of the sovereignty of law so that every regional policy has a clear, consistent, and harmonized legal basis with central regulations. Talitha et al.²² assert that legal policy in decentralization must be based on regional competence so that the application of

²¹ Desy Hariyati, Defny Holidin, and Imas Cempaka Mulia. "Centralized Local Development versus Localized Central Arrangement in Village Autonomy Policy Implementation in Indonesia." *BISNIS & BIROKRASI: Jurnal Ilmu Administrasi Dan Organisasi* 27, no. 2 (2021): 97-106.

²² Tessa Talitha, Tommy Firman, and Delik Hudalah. "Welcoming two decades of decentralization in Indonesia: a regional development perspective." *Territory, Politics, Governance* 8, no. 5 (2020): 690-708.

autonomy does not lead to fragmentation but rather strengthens national integration. Inter-regional cooperation emerges as an important strategy in overcoming development limitations. Through cross-regional collaboration, regions can share resources, knowledge, and experience in managing local development. Sung and Hakim²³ state that decentralization should not be understood merely as the delegation of administrative authority, but also as a means to strengthen solidarity among regions. With this cooperation, development gaps can be minimized and national integration further strengthened.

Thus, this discussion shows that although decentralization has made a significant contribution to the advancement of regional development, various challenges such as capacity imbalance, regulatory disharmony, and complicated bureaucracy still need to be addressed. Strengthening the principle of the sovereignty of law and implementing inter-regional cooperation are two key factors that must be considered. These two factors ensure that regional autonomy is not only formal but is also truly capable of supporting sustainable development and maintaining the integrity of the Unitary State of the Republic of Indonesia.²⁴ The success of decentralization requires a combination of equitable fiscal support, harmonious regulations, and effective collaboration mechanisms among regions. With this approach, development can proceed more inclusively, the socio-economic gap can be reduced, and national integration can be maintained. Regional autonomy, if

²³ Ming-Hsi Sung and Hary Abdul Hakim. "Unitary, Federalized, or Decentralized?: The Case Study of Daerah Istimewa Yogyakarta as the Special Autonomous Regions in Indonesia." *Indonesian Comparative Law Review* 1, no. 2 (2019): 103-121.

²⁴ Aang Rahmatulloh, Asep Muliasutisna, Cepi Hanapia, and Fatmawati Pua Upa. "Regional Autonomy Management from the Perspective of Human Resource Management." *Jurnal Economic Resource* 5, no. 2 (2022): 474-482.

managed well, becomes a strategic instrument to improve the quality of life of the community and strengthen political and economic stability across the entire Indonesian territory.

6. Conclusion

This research asserts that the division of power, the sovereignty of law, decentralization, and regional autonomy are essential elements in the Indonesian constitutional system that are closely linked to national development. The Amendment of the UUD 1945 has reinforced the concept of the separation of powers and opened a wider space for decentralization through the granting of regional autonomy. This not only strengthens democracy but also serves as a strategic means for the equitable distribution of development across all regions of Indonesia.

The sovereignty of law serves as the main foundation in the exercise of authority, ensuring that every government policy, both at the central and local levels, has clear legal legitimacy. This principle prevents the abuse of power while supporting the creation of accountable governance. Regional autonomy, based on the principle of original authority, provides legitimacy for regions to regulate and manage their own affairs, while encouraging the realization of development that is appropriate to local potential. Nevertheless, challenges remain, especially related to the capacity gap among regions, overlapping regulations, and complex bureaucracy. Therefore, inter-regional cooperation becomes a strategic solution to reinforce equitable development and maintain national integration. Ultimately,

decentralization and regional autonomy must continue to be strengthened so that they can become effective instruments in achieving the welfare of the people and realizing the ideals of social justice for all Indonesians.

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