

The Role Of Constitutional Law in Regional Autonomy

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ABSTRACT

This research aims to analyse the influence of constitutional law foundations on the implementation of regional autonomy policies in Indonesia. Using a normative legal research methodology with a statutory approach, this study examines the legal norms governing regional autonomy as well as analyses the authority between the central and regional governments. The results show that the clarity of legal regulations contributes significantly to the effectiveness of regional autonomy, while overlapping authority and weak monitoring mechanisms are obstacles. This study concludes that strengthening regulations and public participation are essential to improve the successful implementation of regional autonomy policies.

Keywords: Constitutional Law, Regional Autonomy, Public Policy.

Introduction

Constitutional Law has a crucial role in regulating and strengthening regional autonomy in Indonesia, which is an important aspect of the decentralisation process (Hidayah, et al 2024; Ridwan & Sodik, 2023; Fartini, 2022). Regional autonomy gives local governments the authority to manage government affairs and fulfil the interests of local communities, thus facilitating policies that are more responsive to local needs. The legal framework for the implementation of regional autonomy is set out in Law No. 23/2014 on Regional Government, which provides a clear and comprehensive legal basis. The main aspect of regional autonomy lies in the granting of authority and responsibility to local governments (Lay, 2023; Sofiani & Magriasti, 2023) in the management of various fields, such as natural resources, education, health, and infrastructure. Through this decentralisation, it is hoped that the improvement of people's welfare and the encouragement of economic growth at the local level can be achieved. In addition, Constitutional Law also plays a role in establishing the relationship between the central and regional governments within the framework of a unitary state. Although regions have autonomy, they are still bound by the limits set by the law, which aims to maintain the unity and integrity of the state.

However, the implementation of regional autonomy is not without challenges. There are often overlapping authorities between the central and local governments (Lobubun, Raharusun, & Anwar, 2022), which can lead to conflicts in policy implementation. Therefore, there needs to be clear affirmation in regulations to ensure proper understanding of the limits of each party's authority. In addition, the risk of corruption and abuse of power at the local level (Sukma, 2024) calls for effective oversight mechanisms to ensure accountability. The lingering dependence of local governments on financial and technical support from the central government can also hinder local initiatives and capacity building. While regional autonomy aims to improve the quality of public services, the challenges of quality service delivery-especially in remote areas-remain significant. Thus, the question that arises is: "How does the foundation of constitutional law affect the implementation of regional autonomy policies?" An in-depth analysis of the interactions between legal regulations, regional authorities, and challenges in the implementation of regional autonomy policies is crucial to understanding the dynamics.

The purpose of this research is to analyse the role of constitutional law in regulating regional autonomy and its impact on the implementation of public policies at the regional

level. In this context, normative juridical research is used to find legal rules, principles and doctrines relevant to legal issues related to regional autonomy. This research aims to assess how constitutional law provides a clear framework for regional autonomy and affects the quality of public services. In addition, the research also focuses on identifying challenges in the implementation of regional autonomy, such as overlapping authority between central and regional governments and the risk of corruption and abuse of power. The recommendations generated from this research are expected to improve legal and oversight mechanisms in the context of regional autonomy. In the context of this research, the main question posed is "How does the foundation of constitutional law affect the implementation of regional autonomy policies?" To answer this question, this research hypothesis states that the foundation of constitutional law has a significant influence on the effectiveness of regional autonomy policy implementation. In addition, this research also argues that clarity in legal regulations contributes to the success of regional autonomy, while overlapping authority and lack of oversight mechanisms can hinder policy implementation. Thus, the focus of this research will explore how legal norms and principles in the context of state administration affect the implementation of regional autonomy policies in Indonesia. The contribution of this research has several dimensions that are relevant to the methodology used. In the academic field, this research will enrich the existing literature on the relationship between constitutional law and regional autonomy, and increase understanding of the dynamics of both. The results of the research are expected to provide policy recommendations that are useful for policymakers to improve the effectiveness of regional autonomy and overcome various existing problems. In addition, social contributions are also very important, as this research can increase public awareness about the role of constitutional law and regional autonomy in better management of public affairs. The conceptual framework of this study includes several interconnected key elements. The foundation of constitutional law serves as an independent variable that influences the implementation of regional autonomy. Implementation challenges, such as overlapping authority, corruption, and dependence on the central government, act as mediators that influence the relationship between constitutional law and regional autonomy. The impact of the implementation of regional autonomy is measured through the quality of public services and people's welfare, thus creating a comprehensive relationship between the various elements in this study. As such, this research not only aims to provide in-depth insight into the interaction between constitutional law and regional autonomy policy, but also establish a foundation for better policy development in the future.

Constitutional Law Theory is a fundamental branch of law in regulating the structure, functions, and relationships between government institutions (Tjandra, 2021). This law includes a set of regulations that determine the organisation of the state and the rights and obligations of citizens, both in the form of written and unwritten law (Muhtar, et al, 2023). In this context, Constitutional Law regulates various aspects, such as the structure of the state that defines the unitary or federal form, as well as the division of powers between the executive, legislative and judicial branches. Furthermore, Constitutional Law also plays a role in protecting human rights and regulating electoral mechanisms, thus ensuring citizen participation in the political process.

Subsequently, the theory of regional autonomy emerged as a crucial concept in Indonesia's governance system, which grants local governments the right and authority to manage government affairs in accordance with Law No. 23/2014. The basic principles of autonomy, such as broad autonomy and responsibility, support decentralisation and aim to improve the quality of public services and empower communities. Through the implementation of regional autonomy, efficiency in resource management and community participation in development are expected. The legal basis for the implementation of regional

autonomy includes not only the 1945 Constitution, but also other relevant laws that form the legal framework for effective decentralisation.

In relation to policy implementation theories, this approach is particularly relevant for evaluating the successful implementation of regional autonomy. The theory of George C. Edwards III's theory, which emphasises the importance of communication, resource availability, and a conducive political environment, provides insight into the key factors in policy implementation. In addition, Merilee S. Grindle and Daniel A. Mazmanian's perspectives broaden the understanding by highlighting the implementation context and policy characteristics that influence implementation (Aminah & Ismail, 2018). Thus, an in-depth understanding of these theories is important for policymakers in designing more responsive and effective implementation strategies, so as to fulfil the needs of society and ensure the success of regional autonomy in the context of existing constitutional law.

Methods Research

The research methodology on the role of Constitutional Law in regional autonomy requires a systematic approach to understand the complexity of the interaction between law and public policy. In this case, normative legal research is the main choice, focusing on analysing the legal norms governing regional autonomy, including relevant laws and regulations. A statutory approach, grounded in legislation, was used to analyse how authority is shared between the central and regional governments, thus providing a clear picture of the limitations and rights that each entity has. Data collection techniques were conducted through desk studies, which involved gathering information from legal documents, books, articles and other relevant literature sources. The data obtained was then analysed using qualitative or quantitative analysis methods, depending on the nature of the data, to draw conclusions regarding how Constitutional Law supports or may hinder the implementation of regional autonomy. With this approach, it is hoped that the research can provide an in-depth insight into the role of law in supporting decentralisation and public policy implementation.

Result and Discussion

The policy of regional autonomy in Indonesia, which is regulated in Law No. 23/2014 on Regional Government, is strongly influenced by the foundation of constitutional law. Regional autonomy gives local governments the authority to regulate and manage government affairs independently. However, the implementation of this policy must still be based on higher legal principles, including Pancasila as the source of all sources of state law (Kaban, 2023; Pahlevi, 2016). Pancasila not only functions as a philosophical foundation, but also as a legal norm that binds every legislation drafted by the local government.

The concept of *freies ermessen* gives freedom to regional heads in issuing public policies. However, this freedom is faced with challenges when the policies taken conflict with central government policies or higher legal norms (Asyikin, 2020; Iqbal, 2023). For example, although local governments have the authority to make international agreements, they must consider the impact on the authority of the central government (Mardiyanto, 2023). This confirms that although regional autonomy provides flexibility, there are limits set by constitutional law.

In addition, the implementation of regional autonomy policies is influenced by aspects of supervision and evaluation from the central government. Every regional regulation must go through an evaluation process to ensure legal compliance and effectiveness in achieving regional development goals (Dasril, 2017). Practice shows that many local regulations are not well implemented, often due to a lack of socialisation and community understanding of the

policy (Dasril, 2017). Therefore, community involvement in policy making and implementation is important to fulfil local needs and aspirations.

In managing resources and public services, regional autonomy also faces its own challenges. Local governments are expected to manage finances and resources efficiently to support the implementation of autonomy policies (Christianingrum, 2020). Regional readiness to manage budgets and resources is a key factor in the successful implementation of regional autonomy policies (Christianingrum, 2020).

The foundation of constitutional law plays an important role in the effectiveness of regional autonomy policy implementation. Regional autonomy stipulated in Article 18 of the 1945 Constitution and various other laws give local governments the right to manage their own government affairs. However, successful implementation depends heavily on the clarity of existing regulations. Lack of clarity in regulations can lead to overlapping authority between central and local governments, hampering policy effectiveness (Kaban & Ramadani, 2023; Permatasari, 2023).

Overlapping authority is a major challenge in the implementation of regional autonomy, often causing confusion in policy implementation. Local governments feel that they do not have full power in making decisions that are necessary for the interests of local communities. In the context of local regulation formation, local governments need to ensure that the regulations made do not conflict with central government policies (Santosa, 2023; Jaelani & Hayat, 2022). This uncertainty often results in public dissatisfaction with public services provided by local governments.

Weak oversight mechanisms also contribute to obstacles in the implementation of regional autonomy policies. Without effective oversight, the risk of abuse of authority by local governments increases. Therefore, it is important to strengthen oversight and accountability mechanisms in the implementation of regional autonomy, through increased transparency and public participation in the decision-making process (Marwan et al., 2022; Masyithah & Rani, 2021). Public involvement in policy-making will help local governments understand local needs and aspirations, so that the resulting policies are more relevant and effective.

Legal norms and principles in the context of constitutional law play an important role in shaping the framework for the implementation of regional autonomy policies. The principles of autonomy and co-administration stipulated in the law provide a legal basis for local governments to manage their own government affairs (Permatasari, 2023; Sung & Hakim, 2019). However, this principle must be balanced with the responsibility to ensure that the policies taken are not detrimental to the national interest. Therefore, coordination between the local government and the central government is still required in the implementation of strategic and far-reaching policies..

Conclusion

Penelitian ini mengungkapkan bahwa landasan hukum tata negara memiliki pengaruh signifikan terhadap implementasi kebijakan otonomi daerah di Indonesia. Melalui pendekatan hukum normatif, ditemukan bahwa kejelasan regulasi hukum menjadi kunci keberhasilan otonomi daerah, sementara tumpang tindih kewenangan antara pemerintah pusat dan daerah serta kurangnya mekanisme pengawasan dapat menghambat pelaksanaan kebijakan. Prinsip-prinsip hukum yang mendasari otonomi daerah, termasuk Pancasila dan Undang-Undang Dasar 1945, memberikan kerangka hukum yang harus dihormati oleh pemerintah daerah. Oleh karena itu, penguatan mekanisme pengawasan dan partisipasi publik dalam proses pengambilan keputusan sangat diperlukan untuk meningkatkan efektivitas implementasi kebijakan otonomi daerah.

Suggestion And Recommendation

Based on the research findings, it is important for the central government to improve the clarity of regulations governing regional autonomy. Regulatory improvements will help reduce overlapping authority between the central and local governments, thus creating a more conducive environment for policy implementation. In addition, strengthening oversight and accountability mechanisms is also needed to ensure that local governments exercise their authority in a transparent and accountable manner. In this case, increasing public participation in the policy-making process can be an effective step, because people who are actively involved will better understand and support the policies taken. Therefore, socialisation and public education on regional autonomy should be a priority, so that the public can participate in supporting the implementation of the policy. In addition, better coordination between the central and local governments also needs to be improved, especially in the preparation of strategic policies that have a broad impact. With these measures, it is expected that the implementation of regional autonomy policies can run more effectively and fulfil the needs and aspirations of the community.

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