

Implementation of Regional Autonomy Law in Line with Local Culture

Fredrico Markus Rotua Sinaga^{1*}, Ratih Damayanti²

^{1,2}Universitas Negeri Semarang, Indonesia

*Corresponding Author: fmrsinaga11@students.unnes.ac.id

ABSTRACT

The law of regional autonomy is a branch of law that regulates regional authority in managing its own government affairs based on the principle of decentralization. In the Indonesian constitutional system, regional autonomy aims to enhance government effectiveness, accelerate development, and provide quality services to the community by considering regional characteristics and needs. The main legal basis for regional autonomy in Indonesia is outlined in Articles 18, 18A, and 18B of the 1945 Constitution, as well as Law Number 23 of 2014 concerning Regional Government. Key concepts in regional autonomy law include the division of authority between central and regional governments, financial relationships between the two, and principles of supervision and accountability in local governance. However, regional autonomy faces challenges such as corruption at the regional level and imbalances in the implementation of central policies. Therefore, strengthening regulations and supervisory mechanisms is crucial to ensure that regional autonomy laws align with the principles of democracy, government effectiveness, and community welfare.

Keywords: decentralization, local government, regulation

INTRODUCTION

Indonesia, as a country with rich cultural diversity and traditions, faces significant challenges in developing a legal system that accommodates local needs while adhering to national legal principles. Since the enactment of Law Number 22 of 1999 concerning Regional Autonomy, which was later updated with Law Number 23 of 2014, regions in Indonesia have been granted greater authority to regulate and manage their own governmental affairs (Baura et al., 2022; Mulyani, 2020; Ridwansyah, 2017; Timotius, 2018). In this context, the implementation of regional autonomy laws that align with local culture is crucial to ensure that policies and regulations issued by local governments are acceptable to the community, consistent with local cultural values, and supportive of legal diversity (Efendi, 2024; Utama et al., 2023; Wadi, 2020; Widiati & Permatasari, 2022;).

Local culture, encompassing customs, traditions, and societal norms, plays a central role in shaping a legal system that is not only formal but also holds strong binding power at the local level (Efriani, 2021; Mustomi, 2017; Ratih, 2020). Therefore, the application of law at the regional level cannot be viewed solely through the lens of rigid regulations but must also accommodate the social and cultural uniqueness of local communities. By integrating local culture into the legal policies of regional autonomy, a balance can be achieved between legal modernization and the preservation of traditional values that remain relevant in this era of globalization.

Through the implementation of regional autonomy laws rooted in local culture, a more inclusive legal system can be established—one that is responsive to community needs and enhances public participation in the development process.

This study aims to explore how the implementation of regional autonomy laws can harmonize with the preservation and development of local culture to promote more equitable social justice across various regions in Indonesia. The current study explores the implementation of regional autonomy laws in Indonesia, emphasizing the integration of local cultural values to ensure policies are culturally sensitive and socially acceptable, unlike Prabowo et al. (2021), who focus on the economic outcomes of special autonomy in Papua, and Nurrochmat et al. (2021), who examine agro-forest management policies. By employing a qualitative approach, this study analyzes how regional autonomy laws align with local traditions, addressing gaps in previous research that overlook the cultural and legal dimensions of regional autonomy. The findings highlight the importance of harmonizing regional autonomy with local culture to promote equitable social justice, offering a unique legal and cultural perspective that complements the economic and environmental focus of prior studies (Prabowo et al., 2021; Nurrochmat et al., 2021). This research provides actionable insights for policymakers to enhance the effectiveness of regional autonomy laws while respecting Indonesia's diverse cultural heritage.

METHOD

This methods employed a qualitative approach to investigate the implementation of regional autonomy laws in alignment with local culture in Indonesia. The research object was the legal regulations governing regional autonomy, focusing on their practical integration with local wisdom and cultural values. Data sources included primary sources, such as the 1945 Constitution of Indonesia and Law Number 23 of 2014 concerning Regional Government, as well as secondary data from scholarly articles, related books, and previous studies discussing regional autonomy and local culture. The study population consisted of government officials involved in policy implementation and community representatives from several culturally diverse regions in Indonesia. Purposive sampling was used to select key informants with comprehensive knowledge and experience regarding the subject matter.

The instruments included semi-structured interview guidelines and documentation techniques to systematically gather relevant data. Data collection involved conducting in-depth interviews and document analysis, enabling the researchers to capture nuanced insights from participants' perspectives and policy documents comprehensively (Adeoye-Olatunde & Olenik, 2021; Monday, 2020; Wong et al., 2023; Marshall et al., 2015). The research procedure began with identifying relevant informants, conducting field visits for interviews, and systematically analyzing collected documents. Data analysis employed a qualitative descriptive method, including data reduction, data presentation, and drawing conclusions or verification. This analytical approach allowed the researchers to identify patterns, interpret cultural and legal integration, and synthesize findings on how regional autonomy laws are implemented harmoniously with local culture. Two references notably supported the methodological framework, aligning it with the qualitative standards needed to ensure reliability and validity in data interpretation.

RESULTS AND DISCUSSION

The Concept of Local Wisdom

Local wisdom consists of two words, namely "kewisfa" which means wisdom or wisdom, and "local" which refers to something that is local. Thus, local wisdom can be interpreted as wise thinking that develops in a certain community, which has positive value and is accepted and applied by its members.

The most important thing in local wisdom is the stage before the application of tradition to physical objects, namely the understanding of natural values which aims to invite and teach how to 'read' the potential of nature and translate it back as a tradition that is widely accepted by the community, especially in the field of architecture. The value of this tradition aims to harmonize human life by appreciating, caring for, and preserving the natural environment. This shows that there is a process of deeper understanding, where knowledge about the natural potential around the dwelling is manifested in the form of traditions that support life.

In depth, local wisdom refers to the values that apply in a community, values that are believed to be true and become a guideline in the daily behavior of the local community. Therefore, it is very appropriate if Greetz, as quoted by Nurma Ali Ridwan, states that local wisdom is a factor that greatly affects the dignity and honor of human beings in their community. This shows that local wisdom, which includes elements of intelligence, creativity, and traditional knowledge, has an important role in the development of civilization of society, both by the elites and the society itself.

Furthermore, some of the functions and meanings of local wisdom can be explained as follows:

1. It serves as a means to preserve and maintain natural resources.
2. It functions in the development of human resources, for example in life cycle ceremonies and the concept of handa patriite.
3. It functions in the development of culture and science, as seen in the Saraswati ceremony, as well as the belief and worship of the parapanji.
4. It serves as advice, beliefs, literature, and life challenges.
5. It has a social meaning, for example in communal or kinship integration ceremonies.
6. It has a broader social meaning, such as in agricultural cycle ceremonies.
7. It has ethical and moral meaning that is reflected in ngaben ceremonies and purification of ancestral spirits.

The recognition and respect for legal pluralism reflected in the 1945 Constitution of the Republic of Indonesia shows that Indonesian society recognizes the existence of diversity and differences. This diversity often refers to differences in people's backgrounds, such as ethnicity, culture, religion, and others. In Indonesia, there are various tribes, races, religions, cultures, and legal systems that form a unity that is inseparable from the Indonesian nation. This diversity is also reflected in the state motto, namely Bhineka Tunggal Ika. With the differences between one culture and another, the application of a single legal system becomes very difficult. Therefore, despite the pros and cons, the recognition of legal pluralism in Indonesia must still be respected and developed by the government as part of the local wisdom that becomes the nation's identity. This local wisdom describes specific phenomena that are characteristic of a certain community or group of people, which can be seen from the perspective of values that exist in various regions in Indonesia.

The Concept and Legal Basis of Regional Autonomy

Regional autonomy is a government system that gives authority to the regions to regulate and manage their own government affairs in accordance with the principle of decentralization. In the context of Indonesia, which has cultural diversity, the application of regional autonomy law does not only rely on administrative and regulatory aspects, but must also be in harmony with local cultural values. This aims to make the policies implemented by local governments more effective, accepted by the community, and in accordance with the social characteristics that exist in each region. Legally, regional autonomy is implemented in the 1945 Constitution, Articles 18, 18A, and 18B of the People's Consultative Assembly No. XV/MPR/1998 concerning the Implementation of Regional Autonomy, Regulation, Distribution, and Equitable Utilization of National Resources, as well as the Balance of Central and Regional Finances in the Framework of the Republic of Indonesia Tap MPR No. IV/MPR/2000 concerning Policy Recommendations in the Implementation of Regional Autonomy Law No. 23 of 2014 concerning Regional Government Law No. 33 of 2004 concerning the Financial Balance of the Central and Government Area. Specifically, Regional Autonomy is regulated in the 1945 Constitution of the Republic of Indonesia, especially Articles 18, 18A, and 18B, as well as in Law Number 23 of 2014 concerning Regional Government.

This regulation provides a basis for local governments to implement policies that are in accordance with local needs, including in accommodating local cultural values. In practice, local culture has an important role in determining the success of the implementation of regional autonomy laws, especially in the aspects of policy formulation, conflict resolution, and governance based on local wisdom. However, challenges in aligning regional autonomy laws with local culture remain, such as differences in interpretation of legal norms, gaps between national regulations and regional policies, and potential discrimination in the implementation of culture-based rules. Therefore, a flexible and responsive legal approach to local culture is needed so that the implementation of regional autonomy can run effectively without ignoring the principles of democracy, justice, and national unity. This research will discuss how the law of regional autonomy can be implemented optimally while still considering local cultural aspects as part of the identity and wisdom of the local community.

Rights and Obligations of the Implementation of Regional Autonomy Based on the Law

Law No. 32 of 2004 concerning Regional Government provides a clear legal basis regarding the rights and obligations owned by local governments in exercising regional autonomy. In the context of regional autonomy, local governments are given the right to manage government affairs in accordance with the needs and characteristics of their respective regions, but on the other hand, they also have the obligation to ensure the implementation of these tasks in accordance with applicable provisions such as:

1. Local Government Rights

- a. One of the main rights of local governments is the authority to manage government affairs in their regions. This includes mandatory matters such as education, health, and infrastructure, as well as more specific elective matters related to regional needs. With this right, regions can formulate policies, programs, and regulations that are in accordance with local conditions.
- b. Local governments have the right to make regional regulations as a form of autonomy. This regional regulation functions to regulate the

social and economic life of local communities and ensure that the policies made are in accordance with the aspirations of the local community. However, the Regional Regulation made must remain in line with higher regulations, such as laws and regulations of the central government.

- c. Local governments have the right to manage their financial resources, which are obtained from balance funds, local taxes, as well as local revenues. With these resources, the region can finance various development programs and public services that are important to the community.
- d. Local governments have the right to carry out government decentralization in accordance with the principle of regional autonomy. This means that local governments have full authority to manage affairs that are part of their authority without direct interference from the central government, as long as they remain within the corridor of applicable law.

2. Obligations of Local Governments

- a. Local governments are obliged to carry out government and development tasks in accordance with applicable regulations, both those set by the central government and those set by the local government itself. These obligations include the provision of adequate public services for the community, such as education, health, and quality infrastructure.
- b. Local governments are obliged to ensure that the policies made are fair and equitable, and not discriminatory. They must formulate policies that benefit all levels of society regardless of ethnicity, religion, or social status. This is very important to maintain national unity and unity.
- c. Maintaining a Balance between Regional and National Policies. Although local governments have the authority to make policies, they are still obliged to integrate these policies with national policies. This is to ensure that although there are policies that are tailored to local needs, there are no policies that are contrary to the principles of the unitary state of the Republic of Indonesia.
- d. Local governments have an obligation to manage regional finances in a transparent and accountable manner. They must ensure that the use of the regional budget is on target and not misused. Local governments are also required to report use of budgets and resources to the community and related supervisory agencies.
- e. Local governments are obliged to handle conflicts or social problems that may occur in the community wisely and effectively. This includes resolving disputes between the community and the government, as well as ensuring that each party receives justice in accordance with applicable law. Overall, local governments within the framework of regional autonomy have the right to determine the direction of policies and development in their regions, but this right must be exercised responsibly, always prioritizing the interests of the people and still referring to the principle of a unitary state. In exercising

regional autonomy, local governments must comply with applicable regulations, maintain social justice, and ensure that their policies are in accordance with higher regulations in order to achieve equitable community welfare.

Implementation of Regional Autonomy and Influencing Factors

Nationally, the recognition of the existence of indigenous peoples, especially in the aspect of juridical recognition, is inseparable from the existing political dynamics, both in the context of nationality, culture, and development in general. Therefore, some of the laws that have been issued sometimes show ambiguity in the recognition of indigenous peoples, sometimes even trying to deny their existence. The existence of indigenous peoples themselves is a social fact that has existed for a long time in the country, which is now known as the State of Indonesia, even long before the establishment of the republic and the proclamation of independence in 1945.

The Constitution already guarantees that customary law communities must be respected and recognized. The experience of injustice and marginalization experienced so far is enough to reason for the birth of better regulations for indigenous peoples. However, even though good rules already exist, it does not necessarily directly provide social security for customary law communities.

In general, there are several factors that affect the success of regional autonomy, including financial capabilities, good management, socio-cultural conditions of the community, and ecological characteristics. Factors that greatly determine the implementation of regional autonomy include:

1. Human resources, apparatus capabilities, and active participation from the community
2. Stable regional finances, especially local original income
3. Adequate equipment availability
4. The existence of effective organization and management.

The philosophical foundation behind the birth of Law Number 22 of 1999 concerning Regional Government was influenced by the euphoria of democracy that occurred due to rapid political changes. This causes the drafting of the law to be not fully mature, both in the interpretation of the content and substance of the law and in its implementation in the field. As a result, various complex and multidimensional problems arise, including confusion in understanding the implementation of regional autonomy which has the potential to cause inefficiency. The disharmony in relations between the central government, provinces, districts, and cities leads to the weakening of the unity and unity of the nation, and can even trigger disintegration.

Law Number 32 of 2004 provides an opportunity for the regions to regulate and manage government affairs with the principle of autonomy and assistance duties. The goal is to accelerate the achievement of community welfare through improving public services, empowering the community, and strengthening regional competitiveness through mutually beneficial cooperation between local governments and third parties.

Article 195 of Law No. 32 of 2004 mentions several provisions related to cooperation between regions and with third parties, namely:

1. In order to improve community welfare, regions are allowed to collaborate with other regions based on considerations of efficiency, effectiveness of public services, synergy, and mutual benefit
2. Cooperation between regions can be realized in the form of a cooperation body regulated by a joint decision

3. Regions can also cooperate with third parties in providing public services
4. All the cooperation in question must be approved by the DPRD and burden the community.

In the legal context, the provisions mandated by Law Number 32 of 2004 were then further elaborated through Government Regulation Number 50 of 2007, which regulates the procedures for the implementation of cooperation between regions. Practically, many regions have carried out and implemented such cooperation, including cooperation with foreign parties that have been previously regulated in Law Number 24 of 2000 concerning international agreements.

CONCLUSION

Regional autonomy can accelerate the growth of people's welfare in Indonesia by leveraging local potential, geographical conditions, and efficient government structures, particularly through the implementation of minimum service standards that ensure equitable improvements in public services. This approach fosters democracy, justice, and harmonious relations between central, regional, and inter-regional governments, supporting national unity. Inter-regional cooperation, guided by Law No. 32 of 2004, should prioritize efficiency, effective public services, and mutual benefit, while avoiding community burdens and requiring DPRD approval. Future research could explore the effectiveness of inter-regional cooperation in addressing resource disparities, evaluating minimum service standards, identifying barriers to cooperation, assessing foreign partnerships, integrating local culture, developing equitable resource frameworks, and leveraging technology for collaboration. These studies would provide actionable insights to strengthen regional autonomy, promote equitable development, and enhance Indonesia's welfare and unity.

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