

## **Executive Review for Regional Regulations and Regional Head Regulations: Description of Unbalanced Relationship Central and Regional Government in Indonesia**

Isharyanto<sup>1</sup>

<sup>1</sup>Faculty of Law, Sebelas Maret University

---

### **Abstract**

**Background.** The purpose of this article is to describe the imbalance of decentralization in the relationship between the central government and regional governments in Indonesia. The focus of attention is on the existence of legal products at the local level as instruments in the context of implementing decentralization.

**Method.** This research is a doctrinal legal research with the analysis fully relying on library materials. The research uses qualitative analysis with a statutory approach and conceptual approach.

**Results.** The results showed that decentralization opened up autonomy in carrying out government affairs according to the law for local governments at the provincial and district/city levels. Regional Regulations and Regional Head Regulations become legal instruments in decentralization. However, in connection with the authority of the Minister of Home Affairs and the Governor, respectively to carry out testing of provincial and regency / city regional legal products, this imbalance was revealed. This research does not ignore the need for supervision of the implementation of decentralization on the basis of the value of the unitary state, but in the framework of review of legal products, it would be more appropriate if carried out by the court as an independent and neutral third party.

**Conclusion.** Review for regional legal products as instruments of decentralization will be more appropriate if carried out by the court.

**Keyword:** decentralization, local autonomy, corruption, judicial review.

---

Date of Submission: 03-02-2020

Date of Acceptance: 18-02-2020

---

### **I. INTRODUCTION**

Decentralization is a global reform movement that has broad implications for urbanization in developing countries over the past two decades. This illustrates the point that globalization is not only about the exchange of goods and services or factors of production, but also includes many other phenomena, including ideas and modes of governance.[1] According to a study commissioned by the World Bank in 1994, more than 80% of developing countries with populations of more than 5 million are involved in the process of transferring responsibility and power to local governments. [2] From the report of this world body, Indonesia is included in the category of countries that shifted the power.

One of the major changes for Indonesia in the relationship between the central and the regional is the adoption of the principle of residual power in the structuring of central-regional relations. One of them, autonomous regional authority includes authority in all fields of government, except authority in the field of foreign politics, security defense, justice, monetary and fiscal, religion, and other fields of authority.[3] Based on the provisions contained in Law No.23 of 2014 concerning Regional Government, one of the problems faced in the implementation of regional autonomy which is rooted in the construction of central and regional relations is the unclear model of division of authority between levels of government. The unclear model of division of authority, in practice, is reflected in 2 (two) faces. First, for sectors that are profit-intensive, there often overlaps between the central, provincial and district/city. Second, for sectors that are financing, there is often a vacuum of authority.[4] Saldi Isra illustrates the face of the practice of central and regional relations above rooted in efforts to reduce the norms governing the principle of residual power with other levels of regulation (both internal and external) or with lower regulations.[5]

The basis of the implementation of regional autonomy in Indonesia according to the 1945 Constitution there are 2 (two) basic values that are developed namely, the value of unitary and decentralized values. The basic value of unitary is embodied in the view that Indonesia will not have another unitary government in it that is state, meaning that the sovereignty inherent in the people, nation and state of the Republic of Indonesia will not be divided between regional or local government units.[6] Meanwhile, the basic value of decentralization is

realized by the formation of autonomous regions and the transfer of authority to carry out government affairs that have been submitted or recognized as the domains of the autonomous regions.[7]

But in practice there are problems that arise in connection with the imbalance of the pattern of relations between the central government and regional governments in Indonesia. The imbalance is, among others, a matter of regulatory authority. In law and constitution, in the context of implementing decentralization, the provincial and district/city government units are authorized to stipulate Regional Regulations. Article 18 paragraph (6) of the 1945 Constitution states that regional governments have the right to stipulate regional regulations and other regulations to carry out regional autonomy and assistance tasks. In this connection, the national legal system gives attributive authority to the regions to establish regional regulations and other regional regulations, and the regional regulations are expected to support synergistically the Government's programs in the regions.

The Central Government has revoked 3,143 Regional Regulations deemed problematic. The Regional Regulations that are considered problematic are regulations that hamper regional economic growth and extend the bureaucratic path. Regional Regulations that are considered to hamper the licensing and investment processes as well as hamper the ease of doing business. In fact, there are regulations that claim that the government is in conflict with higher laws and regulations and do not reflect tolerance among fellow residents in the region, will also be revoked by the government through the Minister of the Interior.

This paper will explore further the regulatory authority in the implementation of decentralization in Indonesia. In accordance with the principle of decentralization the region has the authority to make regional policies to regulate its own government affairs. Regional authority covers all authority in the field of government, except in the fields of foreign policy, defense, security, justice, monetary and national fiscal, and religion regulated in the provisions of the law. Regional Regulations have various functions, among others, as a policy instrument in the regions to carry out regional autonomy and the task of assistance as mandated in the 1945 Constitution and Regional Government Law, but these Regional Regulations are basically the implementing regulations of the higher laws and regulations. In addition, Regional Regulations can serve as a policy instrument for accommodating the specificity and diversity of the region and channeling the aspirations of the people in the region, but in its regulation it remains within the corridor of the Unitary Republic of Indonesia based on the 1945 Constitution.

## **II. METHODE**

This research is a doctrinal research, namely legal research by making library materials as the main source of information. There are 2 approaches used, namely the statutory approach and the concept approach. The statutory approach is carried out because the formulation of the problem in this study requires the search for norms that are in accordance with the identification of research problems. Meanwhile, the concept approach is used to answer the formulation of the management of the ideal regulatory authority in the context of implementing an ideal decentralization.

## **III. LITERATURE REVIEW**

### **A. Definition and Form of Decentralization**

The emergence of decentralization throughout the world has raised the question of whether decentralization has played several important roles in driving responsible governance.[8] As the concept of governance develops, so does thinking about the reasons, objectives and forms of decentralization.[9] Decentralization now includes not only the transfer of power, authority and responsibility in government[10], but also the distribution of authority and resources to shape public policy in society.[11]

The word "decentralization" means the transfer of power and authority from the central government to local or regional units to meet community demands.[12] Decentralization has been defined by various public administration scholars as the transfer of authority from higher levels of government to lower decision-making delegations.[13] In addition, decentralization is defined as the placement of authority with responsibility, allowing a large number of actions to be taken.[14]

Furthermore, there is a transfer of functions from the center to the periphery, a mode of operation that involves broader participation of people in all levels of decision making, from the formulation of plans to implementation.[15] Another definition of decentralization is the transfer of responsibility for planning, managing, increasing, and allocating resources from the central government to public authorities that are semi-autonomous, large corporate territories in their territory, functional authorities, private organizations or non-governmental organizations.[16]

Given the many meanings about "decentralization", Leonard asserted that a single typology universally overcomes the concept is impossible.[17] Therefore this paper views "decentralization" as the process through which the central government transfers power, functions, responsibilities and finance, or decision-making power to other entities from the center to lower levels of government, or dissolves central state agencies, or the private

sector.[18] The main assumptions are strengthening local institutions, local administration and improving public services.[19]

Centralists argue that decentralization shifts social conflict, resources and responsibilities to the local level where there is greater political inequality.[20] However, they noted that decentralization strengthened the relationship of subordination and destruction of the relative power of actors in the regions.[21] In addition, they argue that corruption and clientelism are more prevalent at the local level, making participation unattractive to many citizens and making participation itself undemocratic.[22] Finally, this view notes that decentralization undermines development because local governments are technically less able than the central government because the state loses regulatory capacity and fiscal control.[23] In the French experience, the desire to provide decentralization apparently tends to have a mere economic impact compared to the desire to develop public services.[24] Argentina, Brazil, Mexico, and Spain, instead of being stable, decentralization policies have instead fueled intergovernmental conflicts.[25] Decentralization also does not provide appropriate instruments for monitoring, for example the allocation of funds for the poor.[26]

Practically the term autonomy is often confused with decentralization. Even though both have their own meanings.[27] The term autonomy is more inclined to “political aspect” while decentralization relates to “administrative aspects.”[27] In the context of constitutional law, regional autonomy is not just a separation of governance to achieve efficiency, but an order of state administration (*staatsrechtelijk*) relating to the foundations of the state and the composition of the state organization, namely democracy and the state based on law.[28] Without autonomy as the principle of governance, it is impossible to create an order based on democracy and a state based on law.[29] There are two elements related to the granting of autonomy, namely *first*, assigning tasks that must be completed by the regions. *Second*, giving authority to think about and determine ways of completing the task.[30] Fundamentally the analysis of public policy cannot be separated from the political system adopted by the country concerned.[31] Even public policy can be said as an action of the government in realizing the political system it adopts in everyday people's lives.[32] All decisions taken by the government from the center to the regions will be colored by the interests of the political system.[32] In other words, the political system becomes the main basis in developing and determining the desired policies.[33]

## **B. Authorities Arranged by Regions**

The relationship between the central and regional government is a work relationship or related tasks or links between central government apparatus and regional government apparatus in the form of vertical, horizontal or diagonal relationships.[34] A vertical relationship is usually a reciprocal top-down relationship, whereas a horizontal relationship is a relationship between officials / units / agencies whose level and direction are sideways. The diagonal relationship is a relationship that crosses from top to bottom reciprocally between two different units of the parent.

Each decentralization law contains provisions concerning relations between the central and regional governments, for example in terms of assignment of functions, accountability, ratification of regional regulations, and etc.[35] The relationship between the central and regional governments will cover matters relating to relations, authority, supervision, finance, coordination and coaching.[36] This relationship is caused by two parties, namely the central government and the regional government.[37] The existence of this local government is possible as a result of a decentralized government system.[38]

In addition, public bodies in territorial decentralization are political bodies. This means that public bodies formed such as the provincial government, regency / city and village governments are political bodies, namely public bodies whose contents are carried out politically (through elections) and have authority in policy making that is political for example making regional regulations (legislative functions).[39]

## **IV. DISCUSSION AND RESULT**

In Indonesia, provincial or district/city-level regional regulations promulgated from a legislative and communication process between the regional legislative assembly (DPRD) and the governor or regent/mayor, in order to create a society that lives justly and with prosperity, may be canceled by the governor and minister as representatives from the Central Government. Initially, the authority of the governor and minister granted by the provisions of Article 251 paragraph (1) and paragraph (2) of Law 23/2014 to cancel the Regional Regulation stipulated by the provincial / district / city regional government. For this reason, provincial or district/city-level Regional Regulations, the contents of which only regulate matters that have not been or are not regulated by higher statutory provisions, threaten to be canceled without going through the testing mechanism of executive review against the law.

In addition, the enactment of Article 251 paragraph (7) and paragraph (8) of Law 23/2014, which only recognizes administrators at the district/city and provincial level, to submit objections to the decision to cancel provincial or district / city regulations, and Governor Regulations or The Regent/Mayor Regulation, has eliminated the citizen's right to participate in maintaining the existence of the said Regional Regulation.

Because, it is very possible for government administrators at the regency /city and provincial level, not to exercise their right to file an objection to the governor or minister's decision on the cancellation of the provincial or regency/city regional regulation, and the governor's regulation or regent/mayor's regulation.

The existence of Regional Regulations at the provincial or district/city level, its existence is recognized and has binding legal force as part of the type of legislation, as a legal product that has been determined by the governor together with the provincial DPRD or regent / mayor together with the district / city DPRD.

Although the authority for concurrent affairs is carried out by the central and provincial governments, as well as district / city regions, through provincial and district/city-level regional regulations established with the approval of the DPRD at the provincial and district / city levels, the provincial head has the obligation to submit a draft Provincial law no later than 3 (three) days to the Minister, and likewise *mutatis mutandis* for regional heads of regents / mayors must submit a draft regency/city regulation no later than 3 (three) days to the Governor, as stipulated in the provisions of Article 242 paragraph (3) and paragraph (4) of Law 23/2014.

The Minister or Governor as a representative of the Central Government, is authorized to as executive review, to provide registration numbers for the draft provincial or regency/city Regional Regulation, no later than 7 (seven) days after the draft Regional Regulation is received by the Minister or Governor. For provincial regulations that have not been given a registration number by the Minister, or district/city regional regulations by the Governor, then these regional regulations cannot be promulgated in regional sheets, as regulated in Article 242 paragraph (5) and Article 243 paragraph (1) of Law 23 / 2014.

Executive review owned by the Minister or Governor of the draft provincial or regency / city regulation, in the form of harmonization, rounding and consolidation of the draft regulation is coordinated together with the ministry that carries out government affairs in the legal field, as regulated in the provisions of Article 58 paragraph (2) and Article 63 of Law 12/2011.

These coordination, clarification and evaluation (preventive review) actions are intended so that the draft of the provincial or regency/city regional regulation does not conflict with the provisions of the higher laws and regulations, the public interest which consists of disturbing harmony among citizens, public services, peace and public order, community economic activities, all forms of discrimination and/or decency. If the results of an evaluation of a draft law contain a conflict with the provisions of the higher laws, public interests, and / or decency, the Governor together with the provincial DPRD or regent/mayor together with the regency / city DPRD are asked to make improvements. However, if the evaluation results of the draft law are not followed up by the Governor together with the provincial DPRD or regent/mayor together with the regency/city DPRD, then the cancellation of the provincial or regency/ city regulation can only be carried out in accordance with the provisions of the prevailing laws and regulations.

In addition to Regional Regulation, the governor or regent/mayor is given the authority to independently enact Regional Head Regulations in the form of governor regulations or regent/mayor regulations. As the executor of concurrent governmental affairs, the governor who in the provisions of Law 23/2014 is referred to as a representative of the central government, as well as regents / mayors whose positions are part of the provincial level regional government. Therefore, Regional Head Regulations made and promulgated by governors or regents/mayors do not have the same position as provincial or regency/city regulations enacted by mutual agreement between the governor or regent/mayor and provincial or regency/city DPRDs.

Therefore, the executive review owned by the governor of Provincial Regulations at the provincial level is in the form of amendments or cancellations by the governor with the provincial DPRD for material content deemed contrary to the provisions of the higher statutory regulations, public interest, and /or decency, based on the results of the minister's evaluation of the draft provincial regulation. Likewise with the draft Regional Regulation at the regency / city level, after being evaluated by the governor, if a material content is found to be in conflict with the provisions of the higher laws, public interest, and/or decency, the said Regional Regulation is amended or canceled together the same regents / mayors with district / city level DPRD.

Therefore, the authority of the governor or minister who can revoke a Regional Regulation at the regency / city or provincial level has clearly violated the provisions of Article 24A paragraph (1) of the 1945 Constitution. Therefore, for the provisions of Article 251 paragraph (1) and paragraph (2) Law 23/2014 does not conflict with the constitution (law against the constitution), so the absolute authority of the Governor and the Minister must be limited.

Thus the question arises, where does the source of competence of the Minister and the Governor to carry out the authority of the test of Regional Regulations (Provincial Regulations, Regencies / Cities) and Regional Head Regional Regulation of the Governor, Regent / Mayor? Does Law Number 23 Year 2014 directly give attribution authority to them because this is made possible by Law Number 30 Year 2014? Or is there a delegation of authority from the Supreme Court to the Minister and the Governor?

The source of competence or the authority of material and formal review is given by the 1945 Constitution only to the Supreme Court. Thus if Law Number 23 Year 2014 also gives attribution authority to

the Minister and Governor as executive review, then the general principle of *lex superior derogate legi inferiori* applies. The principle of general law said that if there are things that are already regulated in legislation of a higher degree (*lex superior*) then regulated again in lower legislation (*legi inferiori*) legislation differently, then what applies is the rule the higher degree legislation (*lex superiori*) while the lower level legislation (*legi inferiori*) is ruled out (*derogate*). In connection with the application of the said general principle, the material and formal test authority to the Supreme Court which has been granted attribution by the 1945 Constitution as the highest legal norms, disregarding the same authority is given attribution by Law Number 23 of 2014 to the Minister and the Governor.

Because the material and formal review over the statutory provisions under the Law is the attribution authority, only the Supreme Court delegates that authority to other institutions. Throughout the laws and regulations that were explored, none of the provisions found that there was a delegation of authority from the Supreme Court to the Minister and the Governor to examine materially and formally against the laws and regulations under the Law on the Law.

Such mechanism for evaluating and supervising regulations or the term “executive review” is theoretically defensible, based on the application of the hierarchy of laws and regulations, and/or, as applied as a balancing concept in states with federal systems, on the principle of unity of executive power, such as the practice of OIRA / Office of Information and Regulatory Affairs in the United States. For this reason, the existence of the “executive review” instrument is indeed perhaps not entirely wrong, because, it is assumed, as the implementing legislation at the national level that the executive needs (and is obliged to) carry out his mandate based on the hierarchy of regulations that apply across the country. This may indeed be necessary to ensure good governance, so that legal certainty and equality is created for the community, or, as stated by the Central Government, to ensure a conducive business climate. Or, if compared to the OIRA practice in the United States, such instruments can also be used as a means to harmonize and control government planning and budgeting instruments.

However, regarding Article 251 of Law 23/2014 concerning Regional Government itself, there are at least two important things that needs give the attention. *First*, the decision to cancel the regional regulation turns out not only to be based on violations of the higher laws, but can also be based on public interest and/ or decency. This provision, by itself, has imposed an open norm which in practice will not only be related to budget management and/ or government administration, but also the assessment of unwritten norms that open up very wide discretionary spaces. In addition, when compared to OIRA in the United States, there are also some fundamental differences that might make the use of “executive review” purely in Indonesia unequaled, namely because there is no clear explanation of significance (OIRA only review certain regulations), accountability (OIRA uses criteria or methodology that can be accounted for), and transparency (there is openness in the monitoring process). For this reason, even if the practice in the United States is used as a reference by the Central Government in formulating its legal policies, it is not a comparison in English: “apple to apple”, or, comparative matters. *Secondly*, as explained earlier, the decision to cancel a regional regulation in Indonesia in fact has the potential not only to create a dispute of authority between the Central Government and the Regional Government, but also has the potential to violate the rights of citizens in the region which previously, through a participatory process, has poured into Regional Regulations which would later be canceled unilaterally.

If analyzed, the fundamental difference between Article 251 of Law 23/2014 and Article 145 of Law 32/2004 is the regulation of objection mechanisms over the decision to cancel regional regulations. While Article 145 paragraph (5) of Law 32/2004 stipulates that objections can be submitted to the Supreme Court, Article 251 paragraph (7) and paragraph (8) of Law 23/2014 stipulates that objections such as these must be submitted to the President or Minister who is also a representative Central government. This difference clearly covers the guarantee of an independent judicial power as an objective and neutral judge.

The interests of the Central Government to carry out the mandate of the constitution by carrying out oversight mechanisms and canceling regional regulations for the common welfare are not things that are in themselves contrary to the constitution. However, it should always be remembered, the actions that are actually taken must also be guaranteed its validity. In situations where the existing legal provisions clearly open the birth of different interpretations, or the potential for authority disputes, or the potential violation of the rights of citizens, the role of judges as the mediator and the final word holder in this case is certainly very much needed. In the current situation, in the midst of the Government of Indonesia's efforts to increase public trust in state institutions, the impact of regulatory oversight mechanisms by executive power that is not matched by a “check and balances” mechanism by the judicial power, actually will be contrary to the objectives from the business.

## V. CONCLUSION

In Indonesia, in accordance with Article 18 paragraph (6) of the 1945 Constitution, the Local Government is given the authority to stipulate regional regulations and other regulations to carry out autonomy and assistance tasks. In order for this authority to be used as well as possible and responsibly, a mechanism is

needed to oversee the implementation of regional authority in forming Regional Regulations and Head Regional Regulations. Supervision of Regional Regulations and Head Regional Regulations are needed in order to maintain the conformity of regulations at the regional level with regulations that apply at the national level. Supervision is also needed to control so that regulations made do not violate basic principles in the state such as the protection of human rights, public interests and /or decency. However, it should always be remembered, the actions that are actually taken must also be guaranteed its validity. In situations where the existing legal provisions clearly open the birth of different interpretations, or the potential for authority disputes, or the potential violation of the rights of citizens, the role of judges as the mediator and the final word holder in this case is certainly very much needed . As long as the Indonesian laws and regulations are explored, the Supreme Court has never delegated the authority of material and formal review to other institutions, including the Minister and the Governor to examine the Regional Regulations and Head Regional Regulation. Because the Minister and Governor do not have the competency to review the Regional Regulation and Head Regional Regulation.

#### REFERENCES

- [1]. A. Shah, R. Qibthiyah, and A. Dita, *General Purpose Central-Provincial-Local Transfers (DAU) in Indonesia: From Gap Filling to Ensuring Fair Access to Essential Public Services for all*. Washington D.C: World Bank, 2012.
- [2]. W. Dilinger, *Decentralization and Its Implications for Urban Service Delivery*. Washington D.C: World Bank, 1994.
- [3]. A. Sacks, E. Rahman, J. Turkewitz, M. Buehler, and I. Saleh, 'The Dynamics of Centralized Procurement Reform in a Decentralized State: Evidence and Lessons from Indonesia', *Policy Research Working Papers World Bank*, 2014.
- [4]. Eko Prasajo, 'Konstruksi Ulang Hubungan Pemerintah Pusat dan Pemerintah Daerah di Indonesia: Antara Sentripetalisme dan Sentrifugalisme', Jakarta, 2006.
- [5]. S. Isra, 'Gagasan Bernegara Yamin', *Tempo*, 02-Sep-2014.
- [6]. C. Silver, 'Do the donors have it right? Decentralization and changing local governance in Indonesia', *The Annals of Regional Science* volume, vol. 27, pp. 421–434, 2003.
- [7]. A. D. Rothenberg and D. Temenggung, *Place-Based Policies in Indonesia: A Critical Review*. Washington D.C: World Bank, 2019.
- [8]. Verena Thomas, Joys Eggins, and Evangelia Papoutsaki, 'Relational Accountability in Indigenizing Visual Research for Participatory Communicatio', *SAGE Open*, 2016, doi: 10.1177/2158244015626493.
- [9]. Kathleen O'Neill, 'Decentralization as an Electoral Strategy', *Comparative Political Studies*, vol. 36, no. 9, pp. 1068–1091, 2003.
- [10]. Duco Bannink and Ringo Ossewaarde, 'Decentralization: New Modes of Governance and Administrative Responsibility', *Administration & Society*, vol. 44, no. 5, pp. 595–624, 2012.
- [11]. Nicholas Sphina, 'Decentralisation and political participation: An empirical analysis in Western and Eastern Europe', *International Political Science Review*, vol. 35, no. 4, pp. 448–462, 2014.
- [12]. E. Kojo Sakyi, J. Koku Awoonor- Williams, and Francis A. Adzei, 'Barriers to implementing health sector administrative decentralisation in Ghana', *Journal of Health Organization and Management*, vol. 25, no. 4, pp. 400–419, 2011.
- [13]. Jun Koo and Byoung Joon Kim, 'Two faces of decentralization in South Korea', *Asian Education and Development Studies*, vol. 7, no. 3, pp. 291–302, 2018.
- [14]. Antonio Davila, Mahendra Gupta, and Richard J. Palmer, 'Internal Controls, Decentralization, and Performance', in *Performance Measurement and Management Control: The Relevance of Performance Measurement and Management Control Research (Studies in Managerial and Financial Accounting, Vol. 33)*, Marc J. Epstein, Frank H. M. Verbeeten, and Sally K. Widener, Eds. Bingley, UK: Emerald Publishing Limited, 2018, pp. 39–64.
- [15]. Eric E. Otenyo and Nancy S. Lind, 'Part III: Managing Institutions through Planning and Decentralization', in *Comparative Public Administration (Research in Public Policy Analysis and Management, Vol. 15)*, Eric E. Otenyo and Nancy S. Lind, Eds. Bingley, UK: Emerald Group Publishing Limited, 2006.
- [16]. Yasin Olum, 'Decentralisation in developing countries: preconditions for successful implementation', *Commonwealth Journal of Local Governance*, vol. 15, 2014.
- [17]. Leonard David, 'Analyzing the Organisational Requirements for Serving the Rural Poor', in *Institutions of Rural Development for the Poor*, David Leonard and Dale Rogers Marshal, Eds. Berkeley: Institute of International Studies, 1982.

- [18]. Ida Bagus Putu Purbadharmaja, Maryunani, Candra Fajri Ananda, and Dwi Budi Santoso, 'The implications of fiscal decentralization and budget governance on economic capacity and community welfare', *Foresight*, vol. 222, no. 2, pp. 227–249, 2019.
- [19]. Arun Agrawal and Jesse Ribot, 'Accountability in Decentralization: A Framework with South Asian and West African Cases', *The Journal of Developing Areas*, vol. 33, no. 4, pp. 473–502, 1999.
- [20]. Bonnie M. Meguid, 'Multi-Level Elections and Party Fortunes: The Electoral Impact of Decentralization in Western Europe', *Comparative Politics*, vol. 47, no. 4, pp. 379–398, 2015.
- [21]. Dawn Brancati, 'Democratic Authoritarianism: Origins and Effects', *Annual Review of Political Science*, vol. 17, pp. 313–326, 2014.
- [22]. Sebastian G. Kessing, Kai A. Konrad, and Christos Kotsogiannis, 'Foreign Direct Investment and the Dark Side of Decentralization', *Economic Policy*, vol. 22, no. 49, pp. 57–70, 2007.
- [23]. A. James Heins, 'State and Local Response to Fiscal Decentralization', *The American Economic Review*, vol. 61, no. 2, pp. 449–455, 1971.
- [24]. Jean Rocchi, 'France: Decentralization and Dissension', *Journal of Communication*, vol. 28, no. 3, pp. 73–74, 1978.
- [25]. Alfred P. Montero, 'After Decentralization: Patterns of Intergovernmental Conflict in Argentina, Brazil, Spain, and Mexico', *Publius: The Journal of Federalism*, vol. 31, no. 4, pp. 43–64, 2011.
- [26]. Martin Ravallion, 'Monitoring Targeting Performance When Decentralized Allocations to the Poor Are Unobserved', *The World Bank Economic Review*, vol. 14, no. 2, pp. 331–345, 2000.
- [27]. Enny Nurbaningsih, *Problematika Pembentukan Peraturan Daerah: Aktualisasi Wewenang Mengatur dalam Era Otonomi Luas*. Jakarta: Raja Grafindo Persada, 2019.
- [28]. Bagir Manan, 'Hubungan Antara Pusat Dan Daerah Menurut Asas Desentralisasi Berdasarkan UUD 1945', *Diseertasi Ilmu Hukum*, Universitas Padjadjaran, Bandung, 1990.
- [29]. Bagir Manan, *Menyongsong Fajar Otonomi Daerah*. Yogyakarta: Penerbit Pusat Studi Hukum (PSH) Fakultas Hukum UII, 2001.
- [30]. Ateng Syafrudin, 'Pasang Surut Otonomi Daerah', 1983.
- [31]. Hiroo H. Advani, 'Public Policy', *National Law School of India Review*, vol. 21, no. 2, pp. 55–63, 2009.
- [32]. Will Barrett, 'Gambling and Public Policy', *Public Affairs Quarterly*, vol. 14, no. 1, pp. 57–71, 2000.
- [33]. Lawrence M. Mead, 'Teaching Public Policy: Linking Policy and Politics', *Journal of Public Affairs Education*, vol. 19, no. 3, pp. 389–403, 2013.
- [34]. Robin Hambleton, Paul Hoggett, and Frank Tolan, 'The decentralisation of public services: A research agenda', *Local Government Studies*, vol. 15, no. 1, pp. 39–56, 1999.
- [35]. Colin Bryson, John Gallagher, Mike Jackson, John Leopold, and Kate Tuck, 'Decentralisation of collective bargaining: Local authority opt outs', *Local Government Studies*, vol. 19, no. 4, pp. 558–583, 1993.
- [36]. Jan B.D. Simonis, 'Decentralisation in the Netherlands: An analysis of administrative differentiation', *Local Government Studies*, vol. 21, no. 1, pp. 31–45, 1995.
- [37]. Kojo Oduro, 'Fiscal decentralization and local finance in developing countries', *Local Government Studies*, vol. 44, no. 6, pp. 899–901, 2018.
- [38]. Yong Fan, Yan Wu, Alfred M. Wu, and Wei Wang, 'Decentralised governance and empowerment of county governments in China: betting on the weak or the strong?', *Local Government Studies*, vol. 44, no. 5, pp. 670–696, 2018.
- [39]. Isharyanto, Maria Madalina, and Handoyo Leksono, 'Model Kebijakan Kepariwisata Berbasis Pluralisme Lokal Untuk Mewujudkan Negara Kesejahteraan (Welfare State)'. Kementerian Riset, Teknologi, dan Pendidikan Tinggi, 2018.

Isharyanto. "Executive Review for Regional Regulations and Regional Head Regulations: Description of Unbalanced Relationship Central and Regional Government in Indonesia." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*, 25(2), 2020, pp. 01-07.