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Journal of New Government Paradigm is the journal published bi-annually by Graduate Program, Master of Local Government Administration (MAPD) and Doctor of Government Science, Institute Governance of Home Affairs.

The journal aims to publish research articles within the broad field of public policy, governance and democracy. The journal welcomes the submission of manuscripts that meet the general criteria of significance and scientific excellence.

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PREFACE

It is not easy to collect selected writing related this third edition theme on Relation between Central Government and Local Government. In the unified system, the roles of central government are strongly needed to guide local government in providing social welfare. Yi Yangsoo, professor of Yeungnam University discussed about the program of Saemaul Undong from Central to rural government that could elevate the income and living quality of society by three principle: diligent, self help and cooperation. Chusnul Mar’iyah, associate professor from Indonesia University focused on the changing of regime from authoritarian to democratization in 1998 brought significant impact in term of discourse on gender representation.

Sabil Rachman, lecture of STIPAN discusses the State Role and the Dynamics of the central and regional relations on the Disaster Management Policies which specifically organized an analysis on Aceh’s Reconstruction and Rehabilitation Agency after the 2005-2009 tsunami. Dahyar Daraba, lecturer in IPDN discusses the relationship between central and local government can be summed up in a few areas, namely: the field of authority, the institutional sector, the financial sector, the public service, guidance and supervision.

Afriadi S. Hasibuan talks Regional economic development planning based on potential product is very important for development. It is a basic concept to improve the economic of society in order to lead welfare society. It is also competitive in the local, regional and global market. Regional Potential Resources Products (PUD) become necessary to regional planning in order to be the best promote development of the regional economic. Sri Hartati, lecture in IPDN, focused various problems in the implementation of sustainable cropland protection in Karawang Regency to prevent the cropland conversion through the implementation of government service and community development. Last, Wilda Rica Rahayu Putri, employee in Ministry of Home Affairs wrote on the corruption prevention efforts through family-based anti-corruption education in Sub Prenggan, District Kotagede, Special Region Yogyakarta are involved Prenggan itself either as a volunteer, coordinator of activities and families as program's target.

Those are seven topics that hopefully could enrich our sphere or knowledge. We are very grateful for having us as one of your reading source. We will keep up continued to upgrade our international journal in spherings the research and academic debate on government. Happy reading.

Jakarta, December 2015

Chief Editor
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*Journal of New Government Paradigm*

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CENTRAL AND LOCAL GOVERNMENT RELATION

Dahyar Daraba

Abstract

The relationship between central and local government has been built because there was a separation power and authority between central and local government. In Republic of Indonesia still happened to look for a proper way to build their governmental system both in central and local government. This study covers the theory of decentralititation and deconcentration system also describe about regional otonomy. This study using constructive approach with qualitative method which is using qualitative data from literature study. Qualitative data is derived from appropriate document i.e. magazine, scientific paper, journals etc. Regarding to the study, the relationship between central and local government can be summed up in a few areas, namely: the field of authority, the institutional sector, the financial sector, the public service, guidance and supervision.

INTRODUCTION

Work collaboration between central and local government has always been an interesting issue to be further elaborated. Right after the establishment of The Republic of Indonesia as well as central and local government formed, there is always a controversy happened inside of govermental body; both during the era of old order and the new order, even in the era of reformation that happened afterward.

A well collaboration among all stakeholders, involving central and local government, is basically the key to reach the goal of nation including an equal prosperity among citizens. By having this harmonious collaboration, work synergy hopefully can be reached and thus we can provide a better governmental system for the sake of society. The relationship between central and local government has always led to a long controversy in any sides of the world, not only in developed nations such as United States and United Kingdom, but also in developing countries such as the Republic of Indonesia who still happened to look for a proper way to build their govermental system both in central and local government.

This controversy regarding harmonious relationship between central and local government somehow can not be separated from their way to use their power and authority. According to some literatures focused on public administration, there are only two ways to define the relationship between central and local government, include “centralization” and “decentralization”. Centralization is defined as a condition where all dealings, duty, role, and

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authority in running the govermental body is fully on the hand of central government which done deconcentrationally. Meanwhile, decentralization happened to be the opposite, where all authorities and responsibilities are given from central to local government.

Decentralization system has many advantages, both from economy, social culture, security and politic. This system stated to bring advantages economically since all local governments can be easier to manage their own natural resources, thus the income can be enhanced once natural resources had been optimized. Moreover, this decentralization system also can strengthen the socioculture bonding in particular areas, since it is going to be easier for the local government to improve any potential cultures in their area to be further introduced to the outer world. Furthermore, another positive impact also can be reached in security and political aspect, where decentralization system can ease the local governments to take their own decision and make their own policy without being interfered by central government. This mechanism can then trigger the local government to be more active in managing their local area.

As an independent country, Indonesia has a basic rule regarding the relationship between central and local government which had been further managed in UUD 1945 chapter VI consisted of Point 18, 18A and 18B. These points in our constitutional had involved government structure, acknowledgement of diversity and distinction in each region, and framework of autonomous system. Based on the construction in 1945, govermental system in Indonesia divided into provincial regions, where provinces are further subdivided into regencies and cities. In each of the provinces, districts and cities have their own local governments which have been given the authority to regulate and manage their own affairs based on the principle of broad autonomy, real and responsible.

Nevertheless, the actual policy of decentralization has been made prior to the independence of Indonesia itself. Decentralization policy began in 1903 with the enactment of Decentralisatie Wet in 1903. Since then the central government finally formed the local government which previously only existed as central government with a hierarchical branch of the central government in some regions of the country. However, this regional administration was disbanded in the reign of Japanese troops, although Japan finally revive the regional councils ahead of the defeat2.

In this current reformation system, the relationship between central and local government has been further managed in local autonomous framework as stated in our constitutional (UU point 22 year of 1999) and reinforced by UU point 32 year of 2004. However, these previous constitutionals were stated to be inappropriate to the current condition after 10 years, thus need to be replaced and therefore UU point 23 year of 2014 was formed. This new constitution was aimed to maintain the harmonious collaboration between central and local government in any aspects as well as increase the quality of services along with prosperity of citizen, and improve justice and equality between central and local government as

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well as among local governments themselves in order to maintain the sovereignty of The Republic of Indonesia. In addition, the regional administration also intends to accelerate the efforts directed to increase regional competitiveness with regard to principles of democracy, equity, justice, and the peculiarities of an area in The Republic of Indonesia, including to create efficiency and effectiveness of local governments.

THEORY

Central And Local Government Relation

Central-Local Relations can be defined as the relations of central and local governments in upholding their authority as a consequence of espousing the principle of decentralization in the state system. This decentralization of power is expected to trigger all stakeholders involved to work together and get the rights and obligations as it should be. The relationship between central and local government administration are generally as follows:

a) Central Government which governs the relationship between central and regional governments as outlined in legislation stated to be dependent each other on both parties. However, the arrangement of them must pay attention to the importance of each region in order to create synergy between national and local interests.

b) Final responsibility for the conduction of governmental affairs which had been handed over to the local government is becoming the responsibility of central government since the final impact of implementing these matters will be the responsibility of the state.

c) The role of central government within regional autonomous framework will be very contributive to the release of certain major policies, supervision, monitoring, evaluation, control as well as empowerment of the region, thus the autonomy of this region can be optimized. Meanwhile, the role of local government will be much more focused in handling their autonomy. In exercising their autonomy, local authorities have a power in making their own policies. Nevertheless, these policies made by local government must be done within limits assigned to him and must not conflict with laws and higher regulations.

UU No. 23 of 2014 explains that the relationship of the Central Government with the Local one can be traced from the third and fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia Year of 1945. The third paragraph contains the establishment of Indonesian independency, while the fourth paragraph contains the establishment of Indonesian Government, right after Indonesian Independency moment, as a stakeholder that is responsible in managing any problems related to the nation. Further stated that the duty of the State Government of Indonesia is to protect the entire nation and the homeland of
Indonesia, promote the general welfare and educate the nation as well as to help maintaining the world order based on freedom, lasting peace and social justice.

Furthermore, Article 1 of the Constitution of the Republic of Indonesia Year 1945 stated that Indonesia is a unitary state in the form of republic. The logical consequence by having this unitary state was the establishment of the State Government of Indonesia as the national government for the first time and that the national government is exactly becoming the authority that later manage to form the Regions in accordance with laws and regulations. Moreover, Article 18 paragraph (2) and (5) of the Constitution of the Republic of Indonesia Year 1945 stated that the Local Government has the authority to regulate and manage their own affairs according to the principle of Autonomy and Governance Tasks, and thus given the widest possible autonomy.

Granting absolute autonomy to local government is directed to accelerate the realization of public welfare through the improvement of service, empowerment, and community participation. In addition, through a broad autonomy in the era of globalization, local government is expected to be able to improve their competitiveness with due regard to the principles of democracy, equality, justice, privilege, specificity and the potency as well as the diversity of each region under the constitution of The Republic of Indonesia.

The absolute autonomy given to local government should be implemented based on the principle of the unitary state. Based on this principle, the sovereignty of the state should only be on the hand of central government instead of local government. Therefore, whatever area of autonomy granted to the region, the final responsibility for the regional administration will remain in the hands of the central government. On the other word, regional or local government is an integral unity with the central government. Accordingly, the policies which were made and implemented by the Region is an integral part of national policy. The one that make it different each other is only on how to use the power, potency, innovation, competitiveness, and the creativity to achieve the national goals at a local level which in turn will support the achievement of the overall national goals.

People in each region as a whole legal community that have the authority actually can regulate and manage their own territory based on the will and interest of their local citizen, as long as it does not contradict with the national legal order and public interest. In order to provide a broader space to regions in organizing and taking care of their citizens, Central Government should pay more attention to local wisdom in making national policies, and that local government also need to adress the national interest in each point of their local policies in order to reach the harmonious collaboration between local and central government. This principle will bring a better govermental atmosphere and create a balance among national interests by still considering the conditions, peculiarities, and local wisdom in running the governance as a whole.

Regional Autonomy is basically given to the local government as a whole legal community with authority to regulate and manage the Government Affairs granted by the central government, where the implementation will be done by the head of the region and the Parliament with the assistance of the regional stakeholders. Government Affairs mandated to the Region comes from
governmental power on the hands of the President. This is exactly the consequence of having unitary state, where the ultimate responsibility of government is in the hands of the President. In order for the implementation of Government Affairs submitted to the Regional run in accordance with national policy, the president is obliged to conduct guidance and supervision of the regional governance.

President as the possessor of governmental authority is assisted by state ministers and each minister is responsible on a particular Government Affairs in the governance. Half of those particular governmental affairs handled by the minister were then given to certain regions as the consequence of autonomous system. Nevertheless, the job of state ministers is not simply done by this, since all ministers also need to supervise the implementation of regional governance in order to ensure that it can be done in line with the state constitutions. In order to create a synergy between local and central government, ministries/government agencies out of ministries are obliged to make norms, standards, procedures, and criteria (NSPC) to be used as guidelines for the Regions in conducting the job given to the local government as well as provide the guidance to ministries/government agencies out of ministries doing the supervision. President gives the authority to the Minister as the coordinator of guidance and supervision carried out by ministries/government agencies out of ministries to the local governance. Ministry/agency out of ministries then do the guidance and supervision for technical matters, while the Ministry implements the guidance and supervision only for general matters. This mechanism is expected to create harmony between ministries/government agencies out of ministries in doing the guidance and supervision of the regional governance as a whole.

METHOD

This paper is using constructive approach with qualitative method which is using qualitative data from literature study. Qualitative data is derived from appropriate document i.e. magazine, scientific paper, journals etc.

DISCUSSION

The Implementation of Local Governance

In contrast to the implementation of governance at the center which consisted of executive, legislative, and judicial branches of government, the local governance on the other hand is carried out by the legislature and head region. Parliament and the head of region serve as an element of the local governance by the people's mandate to carry out the mandate given to the region. Thus, the parliament and the head of region serve as an equal partner who has a different function. Parliament has the function to form the local regulation, manage the local budget as well as supervise its implementation, while the head of region carry out functions on regulation and policy implementation in that particular
area. In organizing and managing the governance under the authority of the Regions, parliament and local leaders will be assisted by some local stakeholders.

As a consequence of the position of Parliament as part of stakeholders in charge for the local governance, thus the composition, position, role, rights, obligations, duties, powers, and functions of Parliament are not described in particular laws and enough to be explained in the constitution of the state as a shole to ease its integrated utilization.

**Govermental Concern**

As mandated by the Constitution of the Republic of Indonesia Year of 1945, there are several matters that are fully exist under the authority of the central government which known as absolute govermental concern, and there are also some matters known as concurrent governmental concern. Concurrent govermental concern consisted of obligatory govermental concern and selectable govermental concern which then further subdivided into national, local, provincial and districts/cities. Obligatory govermental concern is divided into obligatory concern related to basic services and obligatory unrelated to basic services.

Obligatory govermental concern related to basic services requires the existence of Minimum Standard of Services in order to ensure the constitutional rights of citizen. The difference of concurrent governmental concern between in province and districts/cities will be seen from its scale and scope. Although the province and districts/cities have their own govermental concerns that are not hierarchical, but still there will be a relationship between the central government, the province and districts/cities in itd implementation based on the NSPK made by the Central Government.

In addition to absolute governance matters and concurrent governance matters, there is also an existence of public govermental matter recognized within the constitution. Public govermental matters exist under the authority of President as the head of government related to the maintenance of the ideology of Pancasila, the Constitution of the Republic of Indonesia Year of 1945, Unity in Diversity (Bhineka Tunggal Ika, ensuring a harmonious relationship based on ethnicity, religion, race and inter-group as the pillars of national life as well as facilitating democratic life. The President in the implementation of public govermental concerns in local governance will give the mandate to governor as the head of the provincial governance and to the regent/mayor as the head of the district/city.

**Role Of Governor As Representative Of Central Government In The Region**

Given a very wide geographical condition, then the President as the possesor of final government responsibility will entirely give his authority to the governor to act in the name of central government in order to develop and supervise the cities/regions in exercising their autonomy within the border of norms, standards, procedures, and criteria that had been established by the central government. This mechanism is expected to create an effective and efficient atmosphere of governance. Moreover, in upholding his duty as a representative of central government, governor will be assisted by a team to support his job. Since the role of governor is to act as a representative of central government, then the
relationship between governor and local government in cities/regions suppose to be done hierarchically

Management Of The Region

One of important aspect in regional management is the formation of a new Region. Regional formation is basically intended to improve public services in order to accelerate the realization of people's welfare as well as a means of political education at the local level. For that purpose, Regional formation should consider various factors such as economic capability of the region, potency of each region, the wide of area, population, and some considerations from social and political aspects, sociocultural, defense and security, as well as other considerations and requirements that make it possible for the region to form a new region.

Regional formation was preceded by a preparatory period for three (3) years with the aim to set up the Region becomes Regional. If after three years of evaluation then the results demonstrate that the Regional Preparatory is not eligible to become the Region, then the status can be returned to its mother Region. If the Regional Preparatory after a period of coaching for three years are eligible to become the Region, the Regional Preparatory were established by the legislation into Regions.

Regional Stakeholders

Each region surely has different priority one to another in attempt to provide social welfare. Thus, this is going to be an asymmetrical approach since even if the area is equally given the widest possible autonomy, yet the priority of governance will differ from one Region to another Region. The logical consequence of such an asymmetrical approach is that the Regions will have a different priority in governance in accordance with the character of the Regional and community needs.

The magnitude of the regional organization both to accommodate the obligatory governmental concerns and selectable governmental concerns needs to consider at least some factors including the amount of population, the wide of area, workloads, and financial capabilities of Regions. In order to accommodate such variations in workload, then the magnitude of the regional organizations are also should not be the same from one Region to another Region. Based on this condition, then any regional bodies that concern to improve the governance suppose to be formed based on the magnitude of each region in order to create an efficient and effective atmosphere within the local government.

In order to create a synergy in improving the potency between regional organization and the ministry along with governmental agencies out of ministry in central government, we need to have a proper strategy from those stakeholders to determine which Regions that have excellent potential or priority in accordance with the task of ministries/governmental agencies out of ministry whose authority is devolved to the regions. From the results of this strategy, the ministries/governmental agencies out of ministry will know which region that has excellent potential in accordance with its duties ministries or related governmental
agencies out of ministry. Thus, this area can later become a major stakeholder of the ministries or related governmental agencies out of ministry.

**Regional Funding**

Handing Regional financial resources in the form of local taxes and levies as well as in the form of equalization funds are becoming a consequence of government autonomous system. In order to run the governmental system under its authority, local governments must have the financial resources to support better services and welfare to its citizen.

Provision of financial resources indicated to the regions must be balanced with workload or the governmental matters that is given to the region. This equalized financial resource then can act as an important factor to ensure that the local governance can run well in particular region. If particular region has less financial support in running its governmental systems, particularly in the form of obligatory governmental concerns related to basic services, then the central government can help this local region through special allocation in accordance with national priority.

**Local Regulation**

In carrying out governmental matters under the authority of local government, regional heads and Regional People's Representative Council as administrators of the region can make the regulation as a legal basis for organizing the regional autonomy in accordance with the conditions and aspirations of the community and the uniqueness of the regions. Local regulation made by the region applies only within the jurisdiction of the relevant regional boundaries. Nevertheless, recent legislation stipulated by the regions must not conflict with the provisions of law of a higher order in accordance with the hierarchy of legislation. Besides, the regulation as a part of law system must not conflict with the public interest as stipulated in the rules of lawmaking. Local government act to implement the regional autonomy that comes from the authority of the President as the highest possessor of governance. Given the ultimate responsibility for governance is in the hands of the President, then the authority to cancel the legislation is logically also in the hands of the President. However, it is not efficient to let the President directly cancel the local regulation without having further discussion and considerations.

In addressing this issue, The President shall to proceed the authority of cancelling the provincial regulation to the minister which then responsible for the regional autonomy. Furthermore, President also shall to proceed the authority of cancelling local regulation in districts/cities to the governor as the representative of central government in particular region. In order to avoid arbitrariness in the cancellation of regulation, then the local government in certain provinces may appeal the cancellation of provincial regulation made by the minister to the President. Moreover, the government of districts/cities also may appeal the cancellation of local regulation conducted by the governor to the Minister. In terms of the regional governance, the decision taken by the President and the Minister shall be final.
In order to create a proper atmosphere in reporting the local regulation, any local regulations that are going to be reported would have to get a registration number in advance. Provincial laws must obtain a registration number from the Ministry, while the local regulations in districts/cities shall obtain a registration number from the Governor as representative of the central government. This registry number will then accumulate certain informations about all local regulations established by the Region as well as local regulations in national scale.

**Local Innovation**

Progressivity of a nation is determined by innovations made by these nations. Therefore, any innovative policies made by my local government need to be protected in order to make them improved. However, we need more efforts to spur the creativity of regions to improve regional competitiveness. In order to create a better atmosphere and prevent further conflict between local and central government, we need objective criteria that can be used by local governments to carry out their innovative policies without being worry to violate the national interest.

The establishment of UU No. 23 of 2014 as an amendment to law Number 32 Year of 2004 regarding local governance was basically intended to encourage the creation of efficiency and effectiveness for the regional governance in order to reach the prosperity, both by enhancing the quality of public services and increasing regional competitiveness. This change aimed to promote synergies in the various aspects of the local and central governance.

Through Act No. 23 of 2014, there was an establishment of affirmative regulations started from the mapping of governance which will become the priority of local government in the implementation of the widest possible autonomy. The mapping will then create a synergy between ministries/government agencies out of ministries whose governance had been decentralized to the regions. Synergy of governance will bear institutional synergy between local and central government since each ministry/agency out of ministry will know who the stakeholders are such central governance in the level of province and district/city. This synergy of governance and legal institution will then create a synergy between ministry and local government in order to reach the national goals.

Another benefit that can be appeared through this mechanism is the existence of targeted assistance from the ministries/government agencies out of ministry to certain regions that become key stakeholders in order to accelerate the realization of the national target. Synergy of local and central government will be difficult to achieve without the support of sufficient personnel both in number and competency standards required to carry out the governance under the authority of local particular government. By this mechanism, local government is expected to have a strong and sufficient career bureaucracy in the future.

Next step to be done is a guarantee of public services provided by local government to the public. For this reason, every regional government shall make a declaration of public services so that people in the local region can know the type of public services provided, and know how to get access as well as the clarity of
procedures and its costs for obtaining public services and their channels of complaints when public services obtained are not in accordance with the standards that have been determined in advance. Final step to strengthen the regional autonomy is a mechanism of coaching, supervision, empowerment, as well as providing clear and decisive sanctions. Their guidance and supervision as well as strict sanctions basically requires the clarity of duties, supervision of the Ministry that provides guidance, and general supervision and ministry/agency out of ministry that implement the technical assistance.

The synergy between the guidance and supervision of the public with guidance and technical oversight will empower the regions in running their local governance. In order to create a proper guidance and supervision of districts/cities, local government will require the role and authority of the governor in a clear and decisive manner as the representative of central government in assisting the improvement and doing the supervision toward the local districts/cities.

CLOSING

The above description explains that the relationship between central and local government can be summed up in a few areas, namely: the field of authority, the institutional sector, the financial sector, the public service, guidance and supervision.

REFERENCE


Constitution Number 22 Year 1999 about Local Governance

Constitution Number 32 Year 2004 about Local Governance

Constitution Number 33 Year 2004 about Financial Equalization Between Central And Local Government.
Constitution Number 23 Year 2014 about *Local Governance*
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ISSN 2356-0274