

Desentralisasi yang mengarah ke sistem federal dan pengaruhnya terhadap pelaksanaan fungsi negara di Indonesia

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Abstrak

ABSTRACT

Indonesian administration so far has produced several decentralization policies contained the principles of federal arrangements: Acts No. 2/1999 concerning Local Administration, and two specific autonomy regulation i.e. Acts No. 18/2001 concerning Specific Autonomy for Nanggroe Aceh Darussalam (Aceh Province) and Acts No. 21/2001 concerning Specific Autonomy for Papua Province. Those regulations hold some federal arrangements principles which in turn raised opinions about Indonesia's shift from unitary state (Negara Kesatuan Republik Indonesia) to federal administration system. Judicially, as well as empirically, such decentralization policies which led to federal system have influenced the implementation of State Function as mandated by the 1945 Constitution.

This research hold several purposes. First, to explain reasons behind decentralization policies as implied on Acts No. 22/1999 and Acts No. 32/2004 which led to federal system administration. Second, to untold the influence of decentralization policies over state function based on unitary state, administration as experienced by The Republic of Indonesia not-radays. Third, to formulate efforts in order to adjust such decentralization policies supporting state functions as mandated by 1945 Constitution.

As normative law research, the researcher examined literature material consisted of primary law material, i.e regulation about local administration; secondary law material, i.e. literature related with governance; and tertiary law material, i.e. dictionary and encyclopedia of law. This research employed theory of law state as grand theory, power segregation theory as middle range theory and decentralization theory as applied theory. To support the analysis, reviews about administration on several unitary state and federal state was added. Content analysis was conducted to attain details concerning decentralization which led to federal arrangements implied on regulations concerning local administration. Such analysis also worked to describe Local Administration policies according to the development history of constitution.

There are several conclusions following research and findings. First, there are two reasons that lie beneath decentralization policies as implied on Acts No. 2/1999 and Acts No. 32/2004 which in turn led to Federal System: (a) to maintain the entirety of Indonesia as unitary state (Negara Kesatuan Republik Indonesia); and (b) to implement equality in development for nation's wealth. Second, decentralization policies which led to federal administration system have resulted on both positive and negative consequences. Positive result comes from democracy uprising in governmental practices, meanwhile the negative one was Constitution mismatched in several affairs. Third, in order to keep decentralization policies successfully supporting state function as mandated by 1945 Constitution, one must arrange immediately implementation regulation derived from Acts No. 32/2004 by prioritize articles which potentially bring about various interpretations

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