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The Role of the Governor in the Local Government Administration System in Indonesia

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Abstract
Regional autonomy was born as an interesting idea as a form of correction of the style of government and the relationship between the center and the regions which is centralized, exploitative and far from democratic values which are currently the mainstream of the prevailing political system in the world. 1.The Role of the Governor Philosophically, Based on the various explanations above, it can be concluded that the philosophical reconstruction of the position and role of the Governor must be based on the spirit of the existence of the Governor to safeguard the Unitary State of the Republic of Indonesia so that therefore the role and position of the Governor must be clear, namely as the Representative of the Central Government in the regions and As Regional Head. 2.Theoretical Role of the Governor, Governors must guarantee the implementation of the vision and mission of the central government, especially general administration tasks such as national stability and integration, government and development coordination, and supervision of district/city government administration. As a consequence, a systematic arrangement is needed that describes a tiered relationship, including supervision, guidance, and coordination of administration and development in districts/cities. 3.The Normative Role of the Governor, Government that involves the involvement of various parties in an area based on the aspirations of the local community, then government affairs which are the authority of the central government are partially handed over to regional governments to be managed as their own household affairs. Therefore, philosophically the emphasis on regional autonomy remains at the district/city level, this is based on the possibility of a federal concept occurring if regional autonomy is emphasized at the provincial level but the Governor is given a bigger role and stronger authority as a representative of the central government in especially in relation to supervision and budget allocation.

Keywords: Regional Autonomy, Role of the Governor

Introduction

Regional autonomy was born as an interesting idea as a form of correction of the style of government and the relationship between the center and the regions which is centralized, exploitative and far from democratic values which are currently the mainstream of the prevailing political system in the world. Regional autonomy became something sacred after the 1998 reform. The many debates around regional autonomy as a manifestation of the decentralization of government power have encouraged the government to seriously realize the concept of regional autonomy in an honest, willing and consistent manner, bearing in mind that the discourse and concept of regional autonomy have a very long history. with the establishment of this republic.

According to the formal juridical aspect, since it first appeared in Law Number 1 of 1945 to Law Number 5 of 1974, the spirit of regional autonomy has been visible and has become the legal basis for the implementation of governance in the regions. It's just that the spirit of government administrators is still far from the idealism of the concept of regional autonomy itself. The language used is not as concise and straightforward as regional

autonomy, it is still about how to manage household affairs1. The deteriorating implementation of the above regulations has an impact on efforts to carry out reconstruction and reform of all the regulations that will never be realized. The "rebellion" or the never ending tug-of-war between the center (read: Jakarta) and the regions has triggered government practitioners and analysts to formulate a new regulation that is expected to truly accommodate regional interests in a more proportional manner. A review of the central-regional relations framework is an obligation that cannot be delayed any longer as the winds of the 1998 reformation blow.

The initial concept of regional autonomy appeared in 1903 through the decentralization law under the Dutch colonial government which was expanded with the Bestuursher Vormingswet 1922 where autonomy was emphasized on deconcentration, decentralization and assistance tasks2.Regional councils as representatives of legislative institutions also exist, but the recruitment process is not through general elections, based on certain criteria (taxes and education level) and the model for appointing institutions above them. There fore it can be understood that in practice regional autonomy is still far from the truth, it is very different in its implementation. The centralized style of government has provided space for the authorities and the central government to play a dominant role as deliberately emphasized by the regime.

The new order government that was born as a result of conflicts between liberal-capitalist and international communists as well as nationalists and religions against communism in the country was also interested in offering alternative solutions to the implementation of regional autonomy which was never encouraging, instead it gave rise to the potential for separatism.

Law No. 5/1974 was born as an answer to the New Order government under General Suharto to rearrange the concept of central-regional relations to make it more dynamic. However, in practice, again, the dominance of the central government is felt with several models and methods of administering government that are practiced, which are contrary to the spirit of Law 5/1974 itself. For example the division of authority that is not so clear between the center and the regions with the existence of clauses... authority or affairs that are not handed over means it remains the authority of the center. Or also the position of the regional head which is stronger than the DPRD and has a hierarchical structure with the central government.

In this regard, reformists driven by intellectuals (experts in politics and state administration) tried to reformulate, reconstruct Law Number 5/1974. The first opinion states that the implementation of the law has not been consistent, so it is necessary to set up pilot autonomy in one level II region in each province. The central government's reluctance to delegate authority to the regions is exaggerated, on the contrary, the centralistic pattern which has been formed for so long has made the regional governments not brave enough to correct the irregularities that have occurred.The second opinion, wants the law to be completely replaced because it is irrelevant[3].

Results and Discussion

The concept of regional autonomy that was raised through Law Number 22 of 1999 has clearer autonomy substance within the framework of a democratic state (so far the New Order has been better known as an authoritarian regime, procedural democracy rather than substantive) with the following main points:

1. Redistribution of power

Returning the authority of regional governments that can manage their own governance was carried out as an answer to the question of centralization which was so strong at the central government level.

2. Community empowerment and local government

[1] BN Marbun, Regional Autonomy 1945-2005 The Process and Reality of Otda Development, From the Colonial Era to the Present (Jakarta: Pustaka Sinar Harapan, 2005)

[2] BN Marbun, op. cit., 40-41

[3] Ryaas Rasyid, "Regional Autonomy: Background and Future" in Syamsuddin Harris (ed.) Decentralization and Regional Autonomy (Jakarta: LIPI Press, 2005).

The process of redistribution of power was followed in practice by handing over matters to local governments such as the management of natural resources, as well as other matters as outlined in the law.

3. Effectiveness and efficiency of governance

By taking the steps mentioned above, it is hoped that it will create effectiveness and efficiency in governance, there will be a clear distribution of functions and authorities in accordance with their portion and capacity.

These hopes arose in line with the 1998 reform process which attempted to correct various governmental irregularities, especially KKN (Corruption, Collusion and Nepotism) which was very widespread during the Suharto era. It is hoped that the law on regional government that emerged post-reform can provide concrete answers and solutions to the ups and downs of central-regional relations which have so far been detrimental to the regions. However, it should be underlined that this series of success stories tends to reflect more on quantity achievements. This is said because substantially, the decentralization and regional autonomy reform movement that has taken place in the last decade has not been sufficiently able to achieve the desired basic goals, among others, realizing democratization at the local level, increasing people's welfare, and improving public services.

There are at least three main factors that have contributed to why the achievements of the reforms to decentralization and regional autonomy tend to be nuanced in quantity. The coincidence of these three factors has subsequently given birth to policy biases which in turn have been used as "scapegoats" to build a bad image of the performance of decentralization and regional autonomy in the last ten years. Briefly, the three factors in question can be explained as follows:

First, there is an ambivalence at the conceptual level—ideological orientation vs technical orientation. In general, it can be said that the pendulum of authority relations between the central and regional governments in Indonesia has so far tended to be towards the pole of centralization rather than decentralization. Although Law No. 22/1999 at a minimal level has tried to shift the centralization pendulum towards the decentralization pole, Law No. 32/2004 tends to return it to its original position (centralization). One of the reasons for the reversal of the pendulum in authority relations is that the basic concept of decentralization itself has not been free from the ambivalence between "ideological orientation vs technical orientation".

Ideologically, decentralization and regional autonomy are applied with the aim of realizing a democratic governance system. However, this ideological orientation must clash with a technical orientation, especially with regard to demands to create a stable and efficient government. As a result, although at the "statement" level it is often argued that the decentralization policy in Indonesia aims to accelerate the process of democratization at the local level, at the "actual" level the authority delegated to the regions is very limited and the central government's control over the regions is also seen to be very tight.

Second, there is a bias in inter-elite relations as an implication of a shift in relations between the state and society. The reality of the implementation of decentralization and regional autonomy policies must also be located and understood in the context of shifting state-society relations in the post-New Order period. Thus, it will be known that the "bias" of policy implementation that has occurred so far is not entirely a direct impact of decentralization and regional autonomy reforms, but also as an implication of a "shift" in the pattern of interaction between the state and society (statesociety relations) in the post-Order period. New. In conditions like this, it is difficult to avoid if the decision-making process, both at the national and at the regional level, has been colored more by coalitions and bargaining of interests between societal actors on the one hand and state actors (state administrators' elites) on the other. It is in this context that decentralization and regional autonomy, as well as various derivative products, such as regional expansion and regional head elections (pilkada) must be positioned and interpreted.

Third, the reform agenda which places more emphasis on efforts to build the country's image, but minus capacity building. The reality of the implementation of decentralization and regional autonomy cannot be separated from the "reform agenda bias" that is taking place in the country. During the first ten years (1999-2009), the focus of the reform agenda was more on efforts to improve and build state institutions (state institutional reform). Meanwhile, efforts to build and strengthen state capacity have not received equal attention. As a result, it is understandable if the "presence" of the state in the practice of daily life (state in practice) becomes vague or even "absent" in some cases. The decentralization and regional autonomy reforms that have taken place in Indonesia in the last ten years must be understood and interpreted as part of state institutional reform minus state capacity.

Therefore, it is also understandable if the presence of decentralization and regional autonomy appears "very real" in terms of institutions, but "subtle" in function. Decentralization and regional autonomy are also "very

real" and come with the packaging of democracy, but the "spirit" contained in them is still very strong with centralization nuances. Looking at the various problems being faced, the question then is, is there an "intention" that can be built in relation to the efforts to reform decentralization and regional autonomy in Indonesia in the future? there are at least four basic steps that must be taken going forward.

First, "reconstruction" of the concepts of decentralization and regional autonomy. In an effort to answer the root of the first decentralization problem, the fundamental question is, should the dominance of the perspective of administrative decentralization still be maintained as a basic concept in improving central-regional relations in Indonesia? With a simple understanding of logic, ideally the domination of the perspective of administrative decentralization that has been applied so far must be "combined" with the perspective of political decentralization. If so, this means that one of the fundamental steps that must be taken by Indonesia in an effort to improve the power relations between the center and the regions going forward is: carrying out a "reformulation" of the concept of decentralization itself. Furthermore, efforts to reconstruct the concept of decentralization and regional autonomy in the future must also be placed in its entirety in the context of a unitary state.

It is said so, because substantially, the existing basic concepts do not fully refer to and apply the basic principles of decentralization and regional autonomy in the context of a unitary state. Conceptually, the fundamental difference between the practice of decentralization in a federal and unitary state lies in the principle of regulating central-regional authority relations. In a federal state, the arrangement of central-regional authority relations (federal and state governments) is based on the principle of separation of powers. Meanwhile, in a unitary state, the arrangement of authority relations between the center and the regions rests on the principle of sharing of power. Separation of power, what is meant here is that the central government (federal) only has a number of basic authorities. Meanwhile, all sectoral authorities outside of the main authority of the central government are owned by the states (regional/state governments).

With the principle of central-regional power relations like this, the model of regional autonomy in federal states is generally more in the form of "full autonomy" namely "regions" (local government and the community) have full rights, both in making decisions and in implementing policies over all fields outside the main authority that has been defined belongs to the central government (federal). Meanwhile, the principle of sharing of power that is applied to a unitary state is more in the sense that the central government, in addition to having basic authorities, also has sectoral authorities which are managed jointly with regional governments. Thus, in fact, the authority possessed by "regional" is none other than sectoral authorities which have been decentralized by the central government. Central-regional authority relations with the principle of sharing of power certainly cannot apply the "full autonomy" model as in a federal state, but rather in the form of three models of regional autonomy, according to the scope of sectoral authority decentralized by the central government. The three models of regional autonomy in question are: Broad Autonomy, Limited Autonomy, and Special Autonomy.

Second, reconstructing the policy approach. Reconstruction at the conceptual level as stated above will certainly not achieve optimal results if it is not followed by reconstruction efforts at the operational level, which, among other things, require a reform of the approach in the implementation of the decentralization policy itself. Strictly speaking, as an instrument for realizing the aspirations of the nation and state, decentralization policies cannot stand alone, but must be related to and in line with policies in other fields. In this way, conditions for mutual support and complementarity can be created, not the other way around, between decentralization policies and policies in other fields. Apart from that, the implementation of decentralization policies must also pay attention to the characteristics, potential, and specificities of each region (local/regional plurality). Third, managing bias relations between elites.

Third, as previously stated, one of the important characteristics of the changing pattern of state-society interaction is the increasing role of community elites (societal actors) in the decision-making process and in policy implementation. This condition, in turn, has degraded relations between the state and society in the form of coalitions and bargaining of interests between societal actors on the one hand and state actors (state administrators) on the other. If the validity of the postulates above can be considered, it would not be an exaggeration to suggest that the reform steps for decentralization and regional autonomy in the future should be more directed at efforts to manage/control "relationship bias" between elites (behavior of actors/agencies), both in the decision-making process and in implementation policy.

Fourth, the reform agenda is more oriented towards increasing state capacity. It is necessary to underline here that efforts to improve and strengthen state institutions (state institutional reforms) are indeed important to do.

However, it must be remembered that if these corrective steps are not managed properly, they will be very vulnerable to "piracy" practices by state actors for the sake of political legitimacy in order to maintain power. Furthermore, if efforts to build state institutions are not accompanied by efforts to build state capacity, it will have implications for the less apparent 'state in practice' in people's lives. In a more micro context, this trend is reflected in the presence of decentralization and regional autonomy which appear 'very real' in the form of institutions, but are 'subtle' in function.

Philosophical Role of the Governor

Philosophical reasons are considerations or reasons that describe a view of life, awareness, or legal ideals which include an atmosphere of mysticism, as well as the philosophy of the Indonesian nation which originates from Pancasila and the 1945 Constitution. An understanding of the role of the governor in the local government system in Indonesia is philosophically not can be separated from the philosophy of the Indonesian nation and the goals of the Republic of Indonesia. Then instead of that to form an Indonesian state government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and social justice, the independence of the Indonesian nation was drafted. in a Constitution of the state of Indonesia, which is formed in a composition of the Republic of Indonesia which is sovereign by the people based on Belief in One Almighty God, just and civilized humanity, Indonesian unity, and democracy led by wisdom in deliberations/representations, and by realizing social justice for all Indonesian people.

Based on Article 1 (1) of the 1945 Constitution, the state of Indonesia is expressly declared as a unitary state in the form of a republic. The principle of a unitary state is that the one holding supreme authority over all state affairs is the Central Government without any delegation or delegation of power to the Regional Government (local government). As a unitary state, the Unitary State of the Republic of Indonesia adheres to two basic values, namely unitary values and territorial decentralization values whose embodiment is regional autonomy. So that the Unitary State of the Republic of Indonesia is a unitary state with a decentralized system. The concept of a unitary state with a decentralized system requires delegation of authority to autonomous regional governments, but the original power remains with the central government. The concept of a Unitary State with a decentralized system is embodied in Article 18 and its explanation which was later amended to become Articles 18, 18A and 18B. Articles 18, 18A and 18B provide a constitutional basis for the implementation of decentralization which emphasizes the principle of autonomy and co-administration and emphasizes recognition of the specificity and privileges of government units. The amendments to Article 18 of the 1945 Constitution gave birth to Law No. 32/2004 concerning Regional Government.

In Law No. 32/2004, the power of the central government in determining the distribution of functions is still very dominant. This is evidenced by the detailed division of functions for the provincial and district/city governments, which consist of mandatory and optional functions. The number of mandatory affairs for each province and district is the same, namely 16 affairs, the difference is the scale. Within the broad autonomy corridor, there are at least 31 (thirty one) government affairs, both mandatory and optional affairs, which are shared according to PP No 38/2007 Article 2 (4). So the emphasis point on Law No. 32/2004 is on affairs. With this pattern of division of functions, it means that authority is only limited to matters that have been stipulated in statutory regulations, so that regional governments, in this case, cannot develop creativity and initiative in implementing regional autonomy.

However, if we look at the autonomy system adopted by Law No. 32/2004, it adheres to the principle of autonomy as wide as possible, both in the provincial and regency/municipal areas, which is regulated explicitly in Article 2 (2) (3) and Article 3, while the principle of deconcentration regulated in the role of the Governor as a representative of the government (Article 37 (1) (2)). If we look at the broad autonomy system adopted by Law No. 22/1999, it adheres to an unspecified pattern of division of authority for districts/cities and there is no hierarchical relationship between the central government and regional governments so that it tends to be federalistic in spirit. In Law Number 32/2004 relations with the government and with other regional governments include relations of authority, finance, public services, utilization of natural resources and other resources. The assumption of recentralization can also be seen from the supervision adopted by Law No. 32/2004 Jo PP No. 79/2005 concerning Supervision, namely the addition of supervision over the implementation of government affairs in the regions (Article 20 to Article 36); in addition to supervising regional regulations and regional head regulations (Article 37 to Article 42); and oversight by DPRD.

In the implementation of mandatory affairs must still be guided by the minimum service standards (SPM) set by the government (Article 8 (1)). Efforts to recentralize authority are also contained in Article 8(2), where there is a sentence in the nature of a sanction which states that if the local government is negligent in carrying out mandatory government affairs, then the implementation is carried out by the government with funding sourced from the regional APBD concerned, even though previously the government also first takes coaching steps in the form of reprimands, government instructions to the assignment of government officials to the area concerned (Article 8(3)). Related to the governor's role in the local government system in Indonesia, philosophically it must be in accordance with the national goals of the Indonesian nation. In addition, reconstruction must also look at the problems of the governor's authority that are currently occurring based on Law 32 of 2004, including:

a. The governor's position as the representative of the central government in the regions is not respected
b. Governor's authority to impose sanctions on regents/mayors
c. Overlapping authority of the Governor as Regional Head and as Representative of the Central Government in the Regions.

In line with the tug-of-war of the decentralization policy, the reconstruction of the position, authority and role of the governor in the future must be based on considerations of the upholding of Indonesia as a Unitary State, demands for globalization, demands for good governance, solutions to problems of coordination, guidance and supervision and improvement of people's welfare. Therefore the emphasis on regional autonomy remains at the district/municipality level, this is based on the possibility of a federal concept occurring if regional autonomy is emphasized at the provincial level. So that in the future the province will act as an administrative area and the governor as the representative of the central government in the area that implements:

a. Coordination, guidance, supervision and monitoring of government affairs carried out by district/city governments in accordance with norms, standards and procedures set by the government.
b. Carry out government affairs that have regional/cross-regency/city impacts and other government affairs in accordance with government policies.

Based on the various explanations above, it can be concluded that the philosophical reconstruction of the position and role of the Governor must be based on the spirit of the existence of the Governor to safeguard the Unitary State of the Republic of Indonesia so that therefore the role and position of the Governor must be clear, namely as the Representative of the Central Government in the regions and As Regional Head.

Theoretical Role of the Governor

Law Number 32 of 2004 as is usually a legal product in its theoretical formulation is very loaded with nuances and political interests that occurred at that time. As a revision of Law No. 22 of 1999, Law No. 32 of 2004 in its implementation there are still various problems that must be addressed wisely so as not to cause negative excesses in the administration of government, although this does not exclude the positive value of the law. this. The basic problems contained in Law Number 32 of 2004, especially in relation to the role and authority of the governor, include:

1) The concept of decentralization and regional autonomy

Law No. 32 of 2004 has not shown a completely comprehensive grand design conception of the agenda and direction of decentralization and regional autonomy. The absence of this grand design will at least appear in the system of government in the regions, the position of the provincial regions, the structure of the distribution of authority from the center to the regions and also regional autonomy.

2) Governor's position as Representative of the Central Government

So far, the governor's position, which has a dual role as head of the region and as representative of the central government in the region, has caused various problems, including "regent/mayor defiance" which ignores the governor's role and overlapping roles whether in adopting governor policies as a representative of the central government or as a regional head. Strengthening the role of the governor as a representative of the central government was finally strengthened by the government by issuing government regulation no. 19 of 2010 which was later revised by Government regulation no. 23 of 2011 as a juridical basis which regulates in more detail the duties and functions of the governor as a representative of the central government including the budget allocation or financial position of the governor as the representative of the central government in the regions as well as the governor's authority to impose sanctions and awards on regents/mayors in their area.

The governor's own authority in Law Number 32 of 2004 includes the following:

a. Regents/mayors submit reports on the administration of regional administration to the government through the governor (Article 27 of Law Number 32 of 2004)
b. The governor as the representative of the government is responsible to the president.
c. The governor appoints, transfers and dismisses echelons II positions in the district/city government.
d. The governor has the authority to conduct guidance and supervision of personnel management in the district/city.
e. Governors appoint and dismiss district/city regional secretaries on the recommendation of regents/mayors
f. Governors can evaluate draft district/city regional regulations on APBD after being stipulated by regents/mayors.

Reconstruction of the regulation of the governor's role in the regional government administration system in the future must be based on considerations of the upholding of Indonesia as a Unitary State, demands for globalization, demands for good governance, solutions to problems of coordination, guidance and supervision and improvement of people's welfare. Therefore the emphasis on regional autonomy remains at the district/city level, this is based on the possibility of a federal concept occurring if regional autonomy is emphasized at the provincial level, but the Governor must be given a bigger role and stronger authority as the representative of the central government in the regions. especially related to supervision and budget allocation. In terms of the implementation of work programs carried out by the Central Government in the regions as well as by work programs planned by Regency/City Governments with support from the Central Government, the Governor should be given such a big role in implementing this, the Central Government in implementing work programs in the Regions must go through the Governor's Door as the embodiment of the Representative of the Central Government in the regions

1) Election of Governor and Deputy Governor

The problem that also appears in Law no. 32 of 2004 whose content is inconsistent is regarding the election of regional heads and deputy regional heads including the election of governors and deputy governors. On the one hand according to law no. 32 of 2004 regional heads and deputy regional heads are elected directly by the people through regional head elections (Pilkada) but on the other hand other regulations state that dismissal of regional heads and deputy regional heads is not through a mechanism or involves the people as in the election process. On the other hand, if we look at the position of the governor as the representative of the central government in the regions, it is necessary to reconsider whether the election for the governor currently being conducted is in accordance with the role of the governor, so that the role of the governor must also extend to the reconstruction of the process for selecting the governor and deputy governor. The process of finding an ideal form of local government in our country has been going on since the proclamation of independence which began with the issuance of Law Number 1 of 1945 concerning Regulations for the Position of Regional National Committees, and was followed one after another by the issuance of several other laws and regulations, until finally Law Number 32 of 2004 concerning Regional Government which is a substitute for Law Number 22 of 1999.

When viewed in terms of substance and spirit contained therein, the regional autonomy policy is one of the instruments used to realize people's welfare through improving the quality of public services, as well as developing a culture of democracy at the local level. This is based on the argument that when people's welfare and the process of democratic life at the local level have reached a more advanced stage, it is hoped that it can contribute cumulatively to improving people's welfare. However, until now there are still differences in perception and understanding of the meaning contained in decentralization, where this perception is influenced by the momentary interests of a handful of political elites in this country. Empirically, in Indonesia there have been eight amendments to laws governing the administration of regional government, but currently there are still multiple interpretations occurring both at the local/regional level as well as at the central/inter-departmental level. This can be seen through the various problems that arise as a result of different interpretations of laws on regional government, as well as the issuance of laws and regulations that are contrary to the implementation of regional government based on the principles of real, broad and responsible

decentralization and autonomy.

When viewed from its history, namely shortly after independence as previously discussed, the Government issued Law Number 1 of 1945 as the first law governing the administration of regional government, even though formally the law was not a law on regional government. Subsequently, laws were issued that regulated the administration of regional government, namely Law Number 22 of 1948, Law Number 1 of 1957 Law Number 6 of 1959, Law Number 18 of 1965, Law Number 5 1974, Law Number 22 of 1999, and Law Number 32 of 2004.

Each of these laws regulates regional autonomy, but tends to vary according to the socio-political conditions that occurred at the time the law was drafted. Differences in interpretation of the essence of regional autonomy that is currently occurring in Indonesia have resulted in our country being far behind the rest of the country. other countries that have actualized decentralization policies in an effort to create good governance and the administration of clean government and public services free from KKN (clean government). So that as a result the implementation of the change in the paradigm of regional autonomy is felt to be still lagging. In Law no. 22 of 1999 there is a clause stating that the Province is not the superior government of the Regency/City Region, and the relationship between the Province and the Regency/City Region is not a hierarchical relationship. The breaking up of the hierarchy between provinces and regencies/cities in their capacity as autonomous regions is not without problems because in practice regents/mayors cannot separate the functions of governors as heads of autonomous regions and as representatives of the central government.

This encourages the emergence of euphoria in the Regency / City Regions regarding the authority they have, so that they often ignore and deny the existence of Provincial institutions and the Governor as representatives of the Central Government in the regions. This kind of tendency will ultimately have an unfavorable impact on the process of administering regional government as a subsystem of state government. This erroneous understanding is the source of controversy over the Governor's position and authority. Through Law Number 32 of 2004 as a revision to Law Number 22 of 1999, the function and role of the Governor has been strengthened as the Representative of the Central Government in the Regions. However, in reality there are still Regents/Mayors who deny the role of the Governor as a representative of the Central Government. This is a wrong understanding of the essence of Regional Autonomy and because of the desire to return to Law No. 22 of 1999. Both as a representative of the central government and as a regional head, the governor has limited authority which has implications for unclear authority. The dilemma is that some are concerned that the form of a unitary state will lead to a federation if the governor has full authority as the regional head. In fact, the role of the governor is very important as an element of the unity of the Unitary State of the Republic of Indonesia (NKRI) which is responsible to the president in his position as representative of the central government.

In the history of local government in Indonesia, one of the counterbalances between the centralization of the central government and the decentralization of local government is the dual role of the governor. As a representative of the central government, Law 32/2004 outlines the duties and powers of the governor, namely fostering and supervising the implementation of district/city government affairs, coordinating the implementation of government affairs at the provinces and districts/cities, as well as coordinating development and supervision of the implementation of co-administration tasks at the provinces and districts/municipalities. city. Governors must guarantee the implementation of the vision and mission of the central government, especially general administration tasks such as national stability and integration, government and development coordination, and supervision of district/city government administration. As a consequence, a systematic arrangement is needed that describes a tiered relationship, including supervision, guidance, and coordination of governance and development in the district/city.

Meanwhile, the governor as the head of the region carries out the widest possible autonomy, especially cross-regency/city affairs, except for government affairs which are determined by law as the affairs of the central government. Strengthening the role of the governor as head of the region strengthens the orientation of regional development and minimizes the impact of decentralization policies on spatial, social and economic fragmentation in the regions.

If it is clarified in the Law on Regional Government, repositioning the governor's role as a representative of the central government reduces the problem of implementing Law 22/1999 in conjunction with Law 32/2004

which fails to change the paradigm of regents/mayors as district/city "local rulers". Two laws that do not explicitly mention the hierarchy between provinces and districts/cities have weakened the governor's role as the government's representative in supervising, guiding and coordinating. The phenomenon is, district/city governments contact the central government without the knowledge of the provincial government, they cooperate with foreign parties, regents/mayors go on business trips, and planning in the districts/cities without the knowledge of the provincial government. Ironically, when district/city governments face problems in their areas, such as disasters, disease, famine, land, borders, law, or security, the regents/mayors ask the governor to intervene and take responsibility.

Because it was often ignored by regents, governors finally proposed that governors have strict authority over regents/mayors in their provincial areas without reducing district/city autonomy, because strengthening the governor's role shortens the span of control and reduces problem solving at the central government level. Presumably, the repositioning of the governor's role in the Regional Government Law is a necessity for decentralization in central-regional relations, not only answering some of the problems in the administration of regional government, it also fixes the various weaknesses of Law 32/2004.

The consequence of the local government system characterized by the integrated prefectural system applied in Indonesia is an autonomous regional hierarchy and the governor has the authority to coordinate, supervise, supervise, and facilitate so that the regions optimize the implementation of their autonomy. Governors also have "tune power", namely the authority to cancel regional policies that are contrary to the public interest or higher laws and regulations. The Central Government's efforts to reposition the role and authority of the Governor as Representative of the Central Government finally materialized with the issuance of Government Regulation Number 19 of 2010. Even though its implementation has not been able to completely change the regent's view of the governor, the issuance of this regulation remains a hope in itself like a gift in the beginning of the year which is expected to bring progress in the implementation of regional autonomy framed by a unitary state. However, this regulation is not the end of the wait, but instead is the first step of a long journey in realizing the strengthening of the position and authority of the Governor in the administration of regional government so that the spirit of autonomy and decentralization remains within the corridors of the unitary state.

However, the strengthening of the Governor's position and authority must be carried out with the aim of local strengthening, not vice versa with the aim of recentralizing power. Because the nature of regional autonomy is to bring services and government closer to the people. A balance must be opened between national and regional interests and local interests. Here, a combination of the principles of uniformity and subsidiarity is adhered to, in which service and government authorities should pay attention to national and local interests. This is because the Governor's position as Representative of the Central Government cannot be separated from the basic conception of government as a system. Even in a federal state, the relationship between levels of government is not severed. The province as an intermediate government is a connecting link.

Article 38 paragraph (1) of Law (UU) Number 32 of 2004 stipulates the position of the Governor as the representative of the regional government, but the procedures for carrying out the duties and authorities as well as the financial position of the Governor are regulated through Government Regulation (PP) Number 19 of 2010. The Government Regulation is expected to strengthen the position and authority of the Governor as the representative of the government in the Province, but in practice it has not been effectively implemented by the Governor, especially in the implementation of coordination, guidance and supervision. For this reason, the Government made changes to Government Regulation Number 19 of 2010 with Government Regulation Number 23 of 2011 which, among other things, emphasized that the funding of the duties and authorities of the Governor as the representative of the Government is borne by the State Revenue and Expenditure Budget through the deconcentration fund mechanism as outlined in the Ministry's work plan and budget. Domestic.

Government Regulation Number 23 of 2011 also stipulates sanctions against Regents/Mayors who are not present at coordination meetings by proposing to the relevant ministries/institutions not to allocate co-administration funds to the districts/cities concerned in the following fiscal year. The implementation of this Government Regulation in an effort to strengthen the duties and authority of the Governor as the representative of the Government in the province is also ineffective because Law Number 32 of 2004 does not regulate the strengthening of the Governor's duties so that the imposition of sanctions on Regents/Mayors which are only

regulated through Government Regulations may be ignored. by the Regent/Mayor. Therefore, in an effort to strengthen the duties and powers of the Governor, it must be through law, namely by amending Law Number 32 of 2004. Apart from the problem of multiple roles, splitting partnerships, and changes to the regional autonomy law, Indonesia still has one other thorny problem which is also related to the regent's perspective on governors and also on the current gubernatorial election system. Discourse on changes to the election system for regional heads, especially the election for governors, began to roll in line with the dissatisfaction of various parties to no longer use the governor election system directly by the people because it was considered prone to conflict, fraud and required a large budget. The proposal to change the governor election mechanism emerged when the Government through the Ministry of Home Affairs proposed the Regional Head Election Bill (RUU Pilkada). The Pilkada Bill which is part of the revision of Law Number 32 of 2004 concerning Regional Government (Pemda) which regulates the direct election of governors. Currently, the Pilkada Bill is in the process of being discussed by the DPR as part of the national legislation program.

However, after the long implementation of Law Number 32 of 2004 concerning Regional Governments from 2004 until now, many Indonesian people have questioned whether the mechanism for directly electing governors by the people is still in accordance with the goals of democracy itself? This is what the Government has proposed through the Pilkada Bill to change the mechanism for directly electing the Governor by the people to selecting the Governor by the DPRD. The proposed change in the election of the Governor is a very serious topic, considering that it has the potential to undermine the development of democracy in Indonesia which intends to reduce the role of the people in determining their leaders in the regions.

Even Home Affairs Minister Gamawan Fauzi also stated that every candidate who wants to run in the direct gubernatorial election needs at least more than IDR 20 billion or around US $ 2 million. Meanwhile, the governor's basic salary is Rp. 8.7 million per month, if you want to become a governor you need Rp. 20 billion, with a governor's salary of Rp. 8.7 million per month, how long will it take to return the Rp. 20 billion?[4]
Therefore, we can assume that the elected candidates take advantage of any opportunity to recover their money spent during their campaign process. Second, that the Governor only has a low level of authority. The low intensity of the relationship between the Governor and the community does not demand high accountability from the Governor to the community. Therefore, the Government noted, that the direct election process would be too expensive just for the election of governors because their authority is only as representative of the central government at the regional level. Looking at the complexity of the implementation of the regional autonomy law in Indonesia seems to reflect how slow and irregular the form of government policies in this country is. The many problems that arise from the aftermath of the lack of synergy between government agencies have also become an obvious fact due to miss-communication and the tradition of making laws that many people regard as an arbitrary step. So that the law produced is only a legal product that has not been tested and has the impression of using society as its experimental material.
In terms of regional autonomy, the government only focuses on general matters which seem to be only a formality as a manifestation of its concern for the call for democracy by the people. This can be seen from the regional autonomy law which regulates the powers and functions of governors, which does not clearly state the hierarchical relationship between governors and regents/mayors. As a representative of the central government, Law 32/2004 outlines the duties and powers of the governor, namely the guidance and supervision of the implementation of district/city government affairs; coordinating the administration of government affairs at the province and district/city levels; as well as coordinating the development and supervision of the implementation of co-administration at the province and district/city levels.
Governors must guarantee the implementation of the vision and mission of the central government, especially general administration tasks such as national stability and integration, government and development coordination, and supervision of district/city government administration. As a consequence, a systematic arrangement is needed that describes a tiered relationship, including supervision, guidance, and coordination of governance and development in districts/cities.
Meanwhile, the governor as the head of the region carries out the widest possible autonomy, especially cross-regency/city affairs, except for government affairs which are determined by law as the affairs of the central government. Strengthening the role of the governor as head of the region strengthens the orientation of regional development and minimizes the impact of decentralization policies on spatial, social and economic

[4] Kompas, 23 July 2010.

fragmentation in the regions. The same opinion was also explained by Ateng Syafrudin, who stated that the background of a unitary state adhering to a decentralized system was the wide area, the increasing number of tasks that had to be taken care of by the central government, the existence of regional differences from one region to another which were difficult to regulate and manage uniformly (uniform). by the central government. Ateng Syafrudin further added, in the constitution of each country the authority of the state government is given to one government, namely the central government, because the implementation of all rights interests both from the center and from the regions is actually an obligation of the central government. It's only related to the size of the area, the more tasks that must be taken care of by the central government, in line with the progress of society and the state, the differences between one and the other are difficult to know and difficult to centrally regulate. to the regions to manage and administer the special needs of the regions themselves. The handover can be expanded but can also be narrowed down by the central government by taking into account national interests on the one hand and paying attention to the capabilities of interested regions on the other hand.[5].

Long ago, regarding the implementation of regional autonomy which differs from one region to another, Hans Kelsen expressed his opinion that decentralization is a form of state organization or state legal order. The legal order of decentralization shows the existence of various legal rules that apply legally in different areas. There are rules that apply legally to all regions of the country (central norms) and there are rules that apply legally in different areas called decentral rules or local norms (decentral or local norms). Hans Kelsen further explained that the enactment of several laws and regulations regarding regional autonomy as a decentralized legal order linked to the territory (territorial) as a place where legal rules apply legally is a static conception of decentralization (ibid), although Kelsen's notion of decentralization has not yet touched on regional authority to make their own regulations in the form of regional regulations.

One of the major changes in the relationship between the center and the regions since the enactment of Law Number 22 of 1999 concerning Regional Government (UU No 22/1999) is the adoption of the principle of residual power (remaining distribution of authority) in structuring central-regional relations. For example, Article 7 Paragraph (1) of Law No. 22/1999 states that the authority of an autonomous region includes authority in all areas of government, except for authority in the fields of foreign policy, defense and security, justice, monetary and fiscal, religion, and authority in other fields.

Based on the provisions contained in Law No. 22/1999 and Law No. 32/2004 above, one of the problems faced in the implementation of regional autonomy which is rooted in the construction of relations between the center and the regions is the unclear model of authority division between levels of government. This ambiguity in the distribution of authority model is reflected in two faces in practice. First, for profit sectors there is often overlap between the center, provinces and districts/cities. Second, for financing sectors, there is often a vacuum of authority.[6]

The picture of the face of the practice of central and regional relations above is rooted in efforts to reduce the articles governing the principle of residual power with other regulations at the same level (both internal and external) or with lower regulations. For example, the provisions contained in Article 7 Paragraph (1) of Law No. 22/1999 are deliberately reduced by adding an additional phrase in the article itself, namely the phrase "as well as other areas of authority". Then, the reduction effort was carried out in a flexible (read: rubber article) and multi-interpreted in Article 7 Paragraph (2) which states:

"Other areas of authority, as referred to in Paragraph (1), include policies on national planning and macro control of national development, financial balance funds, state administration systems and state economic institutions, development and empowerment of human resources, utilization of natural resources as well as strategic high technology, conservation, and national standardization.

Not stopping until the formulation of Article 7 Paragraph (2), Article 12 of Law No. 22/1999 reaffirms that further arrangements regarding the provisions contained in Article 7 of Law No. 22/1999 are stipulated by a Government Regulation. Then, in accordance with the "mandate" of Article 12 of Law No 22/1999, the government enacted Government Regulation Number 25 of 2000 concerning Government Authorities and Provincial Authorities as Autonomous Regions (PP No 25/2000). In PP No. 25/2000, "other areas of authority"

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5 Ateng Syafrudin, 1993, Government Coordination Arrangements in the Regions, Publisher Citra Aditya Bakti, Bandung. Hal. 193-194

6 Eko Prasojo, 2006, Reconstruction of Relations between the Central Government and Regional Governments in Indonesia: Between Centripetalism and Centrifugalism, Inauguration Speech as Permanent Professor of FISIP UI, Depok. Hal 25.

are formulated into 25 fields. With the presence of PP No. 25/2000, many assessments say that the government is pulling back the spirit of decentralization (recentralization) contained in Law No. 22/1999.

In fact, recentralization by the central government was not strange because from the start of the enactment of Law No. 22/1999 there had been a lot of pessimism that the law would be able to survive for quite a long time. This doubt is based on the argument that the central government is not willing to hand over most of the "authority" to the regions. However, this had to be done because of the strong pressure to change the pattern of relations between the center and the regions that were highly centralized into a more decentralized relationship. If the central government resists, then the desire of several regions to secede becomes something that cannot be avoided. Therefore, changing the paradigm of the relationship between the center and the regions is the best way to do this by giving wider authority to the regions in regulating and managing themselves.[7]

The arrangement of the position and authority of the Governor in the future must be based on considerations for the sake of upholding Indonesia as a Unitary State, the challenges of globalization, demands for good governance, problems of coordination, guidance and supervision, even the regional government as an instrument of political education at the local level and increasing welfare. autonomy should still be emphasized at the district/city level, so that the province is more focused as an administrative area and the Governor carries out more of his role and authority both as the representative of the government in the province and as the head of the region. Constitutionally Article 18 paragraph (4) of the 1945 Constitution confirms that regional heads are democratically elected. The constitution explicitly does not require that the governor be directly elected by the people, but only democratically elected. The formulation of "elected democratically" was born from a long debate in the 1st Ad Hoc Committee of the Working Committee of the MPR in 2000 between opinions that wanted regional heads to be elected by DPRD and other opinions that wanted to be directly elected by the people. But indeed the meaning of "democratic" can have two connotations, namely first, it can be directly elected by the people and secondly, it can be elected by the DPRD as a people's representative institution.

In the context of the history of state administration in Indonesia related to regional head elections, several regional head election mechanism systems have been implemented. First, (pre-1958 independence era) the central government appointed regional heads. Second, (1959-1973) the President had direct authority to appoint regional heads. Third, (1974-1998) DPRD nominated candidates for regional heads to the President and the President would decide. Fourth, (1999-2003) DPRD elect regional heads without involvement from the central government. Fifth, (2004-present) regional head elections were changed to direct elections by the people using a one person one vote mechanism which was further regulated in Law Number 32 of 2004 concerning Regional Government.

The mechanism for electing the governor and deputy governor has so far been based on Law no. 32 of 2004 elected by the people through direct regional head elections, if this is related to the role and position of the Governor as Representative of the Central Government in the Region, this is irrelevant because direct election distorts the role of the governor as Representative of the Central Government, but if the Governor is appointed by the President or Minister of Internal Affairs The country is also irrelevant because it distorts the role and position of the Governor as Regional Head. So that if the governor's role remains as the Head of the Region and as the Representative of the Central Government in the Region, the proper mechanism for selecting the Governor and Deputy Governor is the mechanism as happened in 1974-1998 in accordance with Law No. 5 of 1974 where the Provincial DPRD elects as many as 3 (three) pairs of candidates for governor and deputy governor which are then submitted to the central government in this case to the president to choose one of them and be appointed as governor and deputy governor. This election model is considered to be sufficient to accommodate regional interests through the mechanism in the DPRD while as a representative of the central government in the regions it is accommodated by the authority of the central government (the president) to choose from 3 (three) pairs of candidates who according to him have the capacity and capability to become an extension of the government in the regions.

Normative Role of the Governor

The discussion on the position and authority of the governor cannot be separated from the conception of government as a whole. It must be understood that local government is a subsystem of the country's

[7] Saldi Isra, 2005, The Law-Making Process in Indonesian Reformation, Paper Presented at the INDIRA Project Seminar at The Van Vollenhoven Institute, Faculty of Law of Leiden University, March 21-22.Hal 17

government system as a whole. A system of government within a state will only function if the subsystems within it are integrated, mutually supportive and not contradictory. An understanding of this provides a basis for the importance of reconstructing authority and institutions between levels of government at the central, provincial and district/city levels. In the implementation of regional government in accordance with the mandate of the 1945 Constitution, the policies adopted by the government towards regional government have the right to regulate and manage government affairs themselves, according to the principle of autonomy and co-administration, which aims to accelerate the realization of public welfare through improving services, community empowerment and participation by taking into account the principles of democracy, equity, justice, privileges and specificity of a region within the system of the Unitary State of the Republic of Indonesia.

Government that involves the involvement of various parties in an area based on the aspirations of the local community, then government affairs which are the authority of the central government are partially handed over to regional governments to be managed as their own household affairs. Delegation of government affairs to the regions to regulate and manage their households is called decentralization.

Based on the 1945 Constitution of the Unitary State of the Republic of Indonesia, the State of Indonesia is a Unitary State. The principle of the authority of the unitary state is not the same between the central government and regional governments. The authority is only owned by the central government, while the authority of the regional government after being handed over by the central government. based on statutory provisions. According to Moh Kusnadi and B. Saragih, the authority or powers that exist in local government are derivative (indirect) and are often in the form of broad autonomy. While functional territorial is the delegation of authority from the state or regional government in its implementation entrusted to an organ or expert body specially formed for this purpose. Territorial decentralization referred to by Irawan Soejito is decentralization whose implementation is carried out in an area or area, which transfers authority from the central government to regional governments. Functional decentralization is the handing over of governmental affairs from the government or regions to a certain agency that has specific activities in the field of government affairs to improve people's lives. Territorial and functional decentralization in regional government laws is only known as decentralization.

In Indonesia, the manifestation of local state government and local self-government has changed from time to time. If in Law Number 5 of 1974 the administrative regions and autonomous regions coincide at both the district/city and province level, in Law Number 22 of 1999 the administrative regions and autonomous regions coincide only at the provincial level. So, the province has a position as an autonomous region as well as an administrative area. This is also stated in Law no. 32 of 2004 as a revision to Law No. 22 of 1999. The various powers regulated in PP number 19 of 2010 and the arrangement of sanctions as in PP number 23 of 2011 are not effective enough because the governor's authority should be strengthened Not enough with Government Regulations but must go through laws, namely by changing Law Number 32 of 2004.

Conclusions

Thus the role of the governor in the system of administering regional government is based on considerations of the upholding of Indonesia as a Unitary State, demands for globalization, demands for good governance, solutions to problems of coordination, guidance and supervision and improvement of people's welfare. Therefore, philosophically the emphasis on regional autonomy remains at the district/city level, this is based on the possibility of a federal concept occurring if regional autonomy is emphasized at the provincial level but the Governor is given a bigger role and stronger authority as a representative of the central government in especially in relation to supervision and budget allocation. In terms of the implementation of work programs carried out by the Central Government in the regions as well as by work programs planned by Regency/City Governments with support from the Central Government, the Governor is given such a big role in this implementation, the Central Government in implementing work programs in the Regions must go through The governor's door is the embodiment of the representative of the central government in the regions.

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