



## The Role of Law on the Supervision of Regional Government Power in the Context of Regional Autonomy Policy

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### Article Info

**ISSN (online):** 2583-6536

**Volume:** 05

**Issue:** 01

**Received:** 26-11-2025

**Accepted:** 28-12-2025

**Published:** 31-01-2026

**Page No:** 67-71

### Abstract

The function of the law is to regulate, limit, and supervise human behavior, including the implementation of local government in the implementation of regional autonomy. As stated by John Austin in Soerjono Soekanto, humans often act outside the legal scheme because they are influenced by experience and tradition, so a strong legal instrument is needed to maintain regional autonomy according to its goals. Since the enactment of Law Number 23 of 2014, the relationship between the central and regional governments has changed significantly, placing local governments as the implementers of autonomy as well as parties who are obliged to account for their authority to the central government. This study examines the role of law in the supervision of regional autonomy and the effectiveness of legal supervision mechanisms in preventing abuse of authority. The results of the study show that although regulations and monitoring instruments such as the DPRD, internal audit, and policy evaluation are available, their implementation is still weak due to political intervention, limited apparatus capacity, and overlapping authority. Empirical studies also affirm the importance of professional internal controls, transparency, and integrity of the apparatus to ensure effective supervision. In conclusion, legal supervision of regional autonomy needs to be strengthened regulatively, structurally, and culturally. Strengthening bureaucratic capacity, apparatus professionalism, and governance reform are the keys so that regional autonomy can be implemented accountably and support national development goals.

**DOI:** <https://doi.org/10.54660/IJL.2026.5.1.67-71>

**Keywords:** Regional Autonomy, Policy, Power, Law

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### 1. Introduction

The state is a power organization consisting of a group of people in one government who are tasked with achieving state goals, and in it the government plays an important role as the center of power management (Soerjono Soekanto; 2007) <sup>[16]</sup>. Government in a broad sense encompasses all executive activities from the president, ministers, to the lowest bureaucracy that carries out its functions for the benefit of the people. The system of government itself is an arrangement of state organs that are functionally interconnected, both vertically and horizontally, in order to realize effective state administration (Nurani Chatim; 2006) <sup>[8]</sup>. In this context, law serves as the main guideline that regulates inter-institutional relations, limits power, and ensures accountability in every government action, including in the implementation of local government which is an integral part of the national government system.

As a unitary state, Indonesia places the central government as the highest authority, but to ensure the effectiveness of the administration of government, authority is given to the regions through the concept of autonomy. The central government cannot handle all affairs directly considering the size of the area and the variety of local needs, so the implementation of local government is a solution to bring services closer to the community. Law Number 32 of 2004 Article 1 paragraph (5) emphasizes

that regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs in accordance with laws and regulations (C.S.T Kansil; 2000) <sup>[7]</sup>. With the granting of this authority, the law is present as an instrument that keeps the regions under the supervision of the central government and ensures that all regional policies are in line with the principle of a unitary state. The implementation of this distributed authority can only run well if there is a strict, structured legal mechanism that is able to limit the potential abuse of power at the regional level (Bram Mohammad; 2019).

The idea of decentralization, as explained by Bachrul Elmi, is an effort to give part of the central government's authority to the regions to carry out affairs that are of interest, so that the regions can be independent in managing the needs of their communities. This thinking is in line with Bagir Manan's view which emphasizes that autonomy is the ability of a region to manage its own affairs (Bagir Manan; 1994), erta Mahfud MD who emphasized that regional autonomy provides freedom but remains within the framework of the Unitary State of the Republic of Indonesia (NKRI). The constitutional basis of regional autonomy is contained in Article 18 of the 1945 Constitution which gives authority to provinces, districts, and cities to regulate government affairs based on the principle of autonomy and assistance duties (Machfud Md; 1998). However, in practice, the implementation of regional autonomy often faces challenges in the form of disharmony with regulations, policymaking that does not pay attention to the hierarchy of norms, and regional attitudes in the name of autonomy to expand their authority. These problems show the need for the role of law as a regulator and supervisor so that autonomy continues to run in harmony with national interests.

The purpose of implementing regional autonomy is to ease the burden on the central government, increase the effectiveness of public services, and foster regional independence. However, the granting of freedom certainly contains risks if it is not balanced with adequate legal supervision. In some cases, regions make regulations or policies that are more oriented towards increasing income, without regard to social impact or conformity to higher regulations. This can give rise to a form of "miniature centralization" in the regions, where the power of regional heads or local governments becomes dominant and has the potential to be abused. In addition, differences in regional capabilities in managing autonomy often give birth to inequality between regions. Therefore, the law exists as a limiting and controlling tool to oversee the practice of autonomy so that it remains in line with democratic values, the principles of the rule of law, and the goal of community welfare, while maintaining harmonious central and regional relations as a unit of the Republic of Indonesia.

Within the framework of regional autonomy policies, the role of law is very important to create an effective monitoring mechanism for local government power. The law not only regulates the distribution of authority, but also provides instruments of supervision, ranging from guidance by the central government, supervision by the DPRD, examination and audit by regional inspectorates, to evaluation mechanisms and sanctions for deviant policies. This supervision is carried out preventively, namely before the policy takes effect, and repressive, namely after government policies or actions are carried out, so that power irregularities can be prevented and acted upon. Through this mechanism,

the law ensures that the regions continue to exercise their authority in an accountable, transparent, and in accordance with the corridor of laws and regulations.

## 2. Research Methods

This research uses a normative juridical method, by examining laws and regulations, legal literature, and research results related to regional autonomy and supervisory mechanisms. The analysis is carried out qualitatively through a legislative approach and an analytical approach to assess the effectiveness of regulations in practice

## 3. Results and Discussion

### 3.1. The Role of Law in Supervising Regional Government in the Context of Regional Autonomy

The role of law in supervising the implementation of local government has become very important since the enactment of Law Number 23 of 2014 concerning Regional Government, which fundamentally changed the relationship of authority between the central government and local governments. Regional autonomy is not simply understood as the transfer of duties from the central to the regions, but the delegation of political and economic authority to realize equality and justice between regions (Septi Nur Wijayanti; 2016) <sup>[13]</sup>. In this context, the law functions as a controlling instrument so that the implementation of autonomy remains in harmony with the state's goals and does not deviate from the corridor of constitutional norms. Law 23 of 2014 is here to ensure the effectiveness of local government, strengthen accountability, and maintain the balance of authority between the central and regional governments through a clear and structured supervision mechanism.

The relationship between the central and regional governments is inherent and inseparable as long as Indonesia adheres to the form of a Unitary State. All dynamics at the regional level will have a direct impact on the stability of the central government, so a supervision system based on law is needed that ensures the running of autonomy without eliminating central control (Satriawa; 2009). The President as the holder of government power is the final person in charge of all government implementation nationally, so that the existence of regulations that regulate the mechanism of coordination, guidance, and supervision becomes absolute. In practice, this legal supervision includes the evaluation of regional regulations, policy control, and supervision of the implementation of government affairs delegated to the regions (Kusnadi; 2017) <sup>[1]</sup>.

Regional autonomy in Indonesia has undergone conceptual development since the colonial period, with various models of regional households as described in Bagir Mana formal, material, and real households that show the evolution of regional authority arrangements. However, the implementation of regional autonomy often faces substantive constraints, such as limitations of derivative regulations, violations of the principle of autonomy, and inequality of development between regions (Ristianti; 2017) <sup>[20]</sup>. Law Number 22 of 1999 and other autonomy regulations show that without a complete and consistent legal apparatus, regional autonomy can actually widen the welfare gap between rich and poor regions. Therefore, the role of law in ensuring the implementation of autonomy that is in accordance with principles, accountability, and in favor of development is very crucial.

The Constitution through Article 18 of the 1945 Constitution

of the Republic of Indonesia provides authority for regions to form regional regulations as the basis for the implementation of autonomy. However, this authority is not absolute, but remains under the supervision of the central government so as not to conflict with higher regulations (Julianthy; 2018). The law here serves as a normative boundary that ensures that every regional policy, including the formation of regional regulations, does not deviate from the principle of national legal unity. Thus, legal supervision is not intended to reduce the space for regional innovation, but to ensure that broad authority remains in harmony with national interests and the principle of a unitary state.

The effective implementation of regional autonomy is highly dependent on the capacity of human resources, bureaucratic competence, leadership, and the availability of the regional budget. Many autonomous regions have not met optimal standards so that the implementation of autonomy does not run optimally both operationally, functionally, and financially. In such conditions, the role of the law through the supervision mechanism becomes increasingly important to ensure that each region remains on the right track in organizing development. Transparent and law-based supervision provides certainty, prevents irregularities, and ensures that the implementation of regional autonomy is truly oriented towards the goals of fair and equitable national development (Surkati; 2012).

The role of law as the normative basis for local government supervision arises from the need to affirm the limits of authority and procedural certainty in autonomous regimes. Recent juridical studies have shown that clear regulation of the division of authority and coaching/supervision mechanisms are prerequisites for autonomy not to turn into freedom without accountability; Without certainty of norms, conflicts of authority and policy inconsistencies can easily occur (Rahim; 2023) <sup>[11]</sup>. Therefore, the law functions first of all as a normative framework that determines competence, regional policy-making procedures, and rights and access to control for the public and supervisory institutions.

Institutionally, the law establishes and strengthens supervisory institutions that spearhead control over regional executives, such as regional inspectorates, the Financial Audit Agency (BPK), the Ombudsman, and the administrative court. Field research shows the importance of strengthening inspectorate and internal audit mechanisms to prevent maladministration and budget abuse; the weakness of the capacity of these institutions significantly reduces the effectiveness of legal oversight at the local level (Astuti; 2024) <sup>[3]</sup>. This procedural mechanism also includes a pre-study of draft regional regulations and a material test mechanism at the State Administrative Court, which becomes a corrective instrument if regional regulations exceed their authority or conflict with higher regulations.

However, the effectiveness of the legal role faces structural and political constraints: overlapping authority between post-reform levels of government, limited resources of regional supervisors, and political capture at the local level that weakens the application of sanctions and the follow-up of audit recommendations (Puspaningtyas; 2023). In addition, changes in national norms (including shifts in authority due to new regulations) create uncertainty that complicates the work of supervisory agencies and demands continuous harmonization efforts to ensure effective legal supervision.

To make law a truly effective supervisory instrument, policy synergy is needed: harmonization of norms at the regional

center to reduce overlap; increasing the technical capacity and independence of supervisory institutions (budget, human resources, enforcement procedures); and strengthening the mechanism of public participation and access to information so that social control complements formal supervision. With this combination of normative, institutional, and procedural strengthening, the law can realize its supervisory function of maintaining regional autonomy to remain productive, accountable, and oriented to the public interest.

### **3.2. The effectiveness of the legal supervision mechanism in preventing abuse of authority by local governments in the implementation of regional autonomy**

The law regulates supervisory mechanisms (norms, institutions, procedures, sanctions) with the aim of minimizing opportunities for abuse of authority at the regional level. In the realm of practice, prevention and corrective institutions such as the Ombudsman, BPK, regional inspectorate, and administrative courts have complementary roles: the Ombudsman receives and follows up on reports of public maladministration; BPK conducts forensic audits and financial governance recommendations; The Inspectorate oversees program implementation and administrative compliance; while the PTUN is a path for correcting norms that exceed their authority. This collective role, if functional, creates a series of checks that are theoretically effective in preventing abuse of authority (Ombudsman; 2024). The mechanism of legal supervision of local governments in the autonomy system in Indonesia should be the main bulwark to prevent abuse of authority. However, recent research shows that the effectiveness of this internal oversight institution is not optimal. For example, in the case of Bengkulu Province, internal oversight of local officials failed to prevent extortion and abuse of power, showing that internal control of the law has not been maximized (Vianka; 2025) <sup>[19]</sup>. However, in practice, the effectiveness of this supervision is often constrained by weak law enforcement aspects, limited apparatus capacity, and political intervention from various parties. Therefore, there is a gap between formal regulation and the reality on the ground, which keeps abuse of authority at risk.

However, national empirical evidence suggests the effectiveness of such mechanisms is situational and often hampered by institutional capacity. For example, the quality and frequency of BPK audits affect how quickly and thoroughly audit findings are followed up by local governments; Research and practice analysis show that the auditor's technical capabilities and independence determine the corrective impact of audits on improving regional financial management. In other words, high-quality audits improve abuse prevention, but only when recommendations are followed by enforcement and tangible sanctions mechanisms (Syahriful; 2025).

The regional inspectorate as an internal supervisor is often a barometer of the effectiveness of administrative supervision; Recent field studies have found that the effectiveness of the inspectorate is greatly influenced by aspects of human resources (auditor competence), budget availability, relatively weak hierarchical position, and bureaucratic independence. These weaknesses cause internal audit findings to often end up as recommendations without meaningful sanction follow-up, so that the potential for abuse prevention is weakened. Therefore, strengthening capacity building, clearer legal mandates, and internal accountability

mechanisms are the keys to increasing the effectiveness of legal supervision at the regional level (Rosdina; 2025).

In addition to capacity constraints, local political factors including political capture, patronage, and economic interests often reduce the effectiveness of legal instruments. Phenomenological research and case studies show that when local elites control legislative and bureaucratic mechanisms, the process of auditing and law enforcement can be slowed down, engineered, or ignored; This changes the legal mechanism from a preventive tool to a mere formal procedure with no deterrent effect. In addition, the overlap of authority between central and regional regulations gives rise to legal loopholes that are exploited to legitimize actions that are actually abuses of authority. For this reason, strengthening the harmonization of rules and protecting the independence of supervisory institutions is an urgent need (Yulitasari; 2025) [21].

One of the important instruments of supervision at the local level is the role of the regional legislature, namely the DPRD (Regional People's Representative Council). The study "the mechanism of supervision of the DPRD on the use of the Regional Budget by local governments in the context of regional autonomy in Indonesia" shows that although the DPRD juridically has the authority to supervise the use of the Regional Revenue and Expenditure Budget (APBD), regulations from the legislative level to government regulations have not clearly regulated the procedures and sanctions in the implementation of such supervision. As a result, the DPRD's supervisory function of the APBD, which is supposed to be a control tool to prevent abuse, is often not optimal, so the potential for irregularities in budget management remains high.

In addition to legislative supervision, the internal supervision system in the form of administrative controls, audits, and internal audit mechanisms is also key to maintaining the integrity of local government. The research "Legal Internal Oversight of Regional Budget Preparation in Indonesia" reveals that although internal monitoring instruments are available to ensure the preparation of the APBD in accordance with the principles of legality, prudence, and accountability, their implementation is often hampered by bureaucratic subordination, overlapping authority, and local political intervention (Najib; 2025). Thus, the existence of internal supervision does not necessarily guarantee the effectiveness of abuse prevention, especially if the institution is weak or not free from political pressure.

In synthesis, the legal supervision mechanism in Indonesia has a structural foundation that allows the prevention of abuse of authority, but its real effectiveness depends on three critical factors (1) the technical capacity and independence of supervisory institutions (BPK, Inspectorate, Ombudsman, law enforcement officials); (2) certainty of implementation of recommendations and sanctions, including political commitment to follow up on monitoring findings; and (3) social control (information disclosure, role of the media and NGOs) and harmonization of central-regional regulations to close normative gaps. Policies aimed at strengthening capacity, providing clear legal authority to internal/external supervisors, and litigation mechanisms that are more accessible to the public will increase the probability that the law will actually prevent the abuse of authority in the era of regional autonomy.

Another factor that affects the effectiveness of legal supervision is the institutional capacity and professionalism

of the apparatus, as well as the quality of the supervision mechanism itself. In a study entitled "Good governance and corruption in local governments: The role of internal control and audit", it was found that internal control and a mature audit function can significantly reduce the risk of corruption in local governments, while capital expenditure tends to be positively correlated with the level of corruption if there is no adequate control (Shidqi; 2025) [14]. These findings underscore that legal oversight should not only be available on a regular basis, but should also be complemented by professional internal audits, reporting transparency, and technical capacity to detect irregularities. Without it, even formal regulation, there is a risk of abuse.

Although various monitoring mechanisms are available, both through internal audits, administrative controls, and legislative oversight, their implementation in many regions is still limited due to structural weaknesses, lack of follow-up on audit recommendations, and political intervention. For example, a study on regional financial accountability found that despite the regulation of supervision of the APBD, law enforcement and factual supervision still face obstacles such as regulatory ambiguity and limited resources (Ellsa; 2024). This shows that regulation alone is not enough, it requires commitment to implementation, transparency, inter-agency coordination, and public participation to ensure that legal oversight can prevent effective abuse of authority. Thus, to realize accountable and law-abiding local government in the context of autonomy, the legal supervision system must be strengthened structurally, institutionally, and culturally rather than relying solely on written rules.

#### 4. Conclusion

The role of law in supervising local government is the main foundation in ensuring that the implementation of regional autonomy remains within the corridor of the constitution and national interests. Through a regulatory framework such as Law Number 23 of 2014, the law functions as a controlling instrument that regulates the relationship of authority between the central and regional governments, while ensuring the accountability and effectiveness of local governments. Although regions are given the freedom to innovate through autonomous authority, a central oversight mechanism is still needed to prevent policy disharmony and maintain the unity of the national legal system. However, the success of the implementation of autonomy is not only determined by regulations, but also by bureaucratic capacity, human resource competence, and the availability of regional budgets.

On the other hand, the effectiveness of legal oversight mechanisms in preventing abuse of authority at the regional level still faces significant challenges. Studies have shown that although the surveillance system has been designed through the DPRD, internal audits, and administrative controls, its implementation is often hampered by weak law enforcement, political intervention, overlapping authority, and lack of clear oversight procedures. This structural weakness magnifies the potential for deviations, especially in the management of the APBD and the implementation of other autonomous authorities. Studies on the relationship between governance and corruption confirm that the quality of strong internal controls, professional audits, and transparency are the determining factors for the success of supervision. Thus, to realize an accountable local government that is free from abuse of authority, legal supervision cannot

only rely on formal regulations. Structural strengthening of supervisory institutions, increasing the capacity of the apparatus, improving bureaucratic culture, and public participation are important prerequisites for legal supervision to be able to work effectively. An integrated surveillance system, free of political intervention, and supported by professional human resources is key to ensuring that regional autonomy truly supports the national development goals that are fair, equitable, and law-based.

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## How to Cite This Article

Jatikusuma NGB, Yasa PGAS. The role of law on the supervision of regional government power in the context of regional autonomy policy. *Int J Judic Law*. 2026;5(1):67-71. doi:10.54660/IJLL.2026.5.1.67-71.

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