

The Centralization of Authority in the Era of Regional Autonomy as an Implication of Law No. 6 of 2023 on Job Creation

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Abstract

Law Number 6 of 2023 concerning Job Creation introduces significant changes to the distribution of authority between the central and regional governments within the Indonesian constitutional system. The strengthening of central government authority through risk-based business licensing regulations, the establishment of Norms, Standards, Procedures, and Criteria (NSPK), and supervision of regional governments indicates a tendency toward the centralization of authority in the implementation of regional autonomy. This study aims to analyze the regulation of authority between central and regional governments under the Job Creation Law and examine its legal implications for the implementation of regional autonomy. The method used in this study is normative legal research employing statutory and conceptual approaches. The legal materials consist of primary, secondary, and tertiary legal sources, which are analyzed qualitatively. The results indicate that the Job Creation Law strengthens the position of the central government in various strategic sectors that were previously under regional authority. This condition has legal implications in the form of reduced regional government discretion in administering governance, particularly in the areas of licensing, investment, and spatial planning. On the other hand, the centralization of authority also generates positive impacts, including increased legal certainty, regulatory harmonization, and improved investment facilitation. Therefore, a balance between national interests and the implementation of regional autonomy is required to ensure that national development objectives and the principle of decentralization can be achieved harmoniously.

INTRODUCTION

The Unitary State of the Republic of Indonesia (Negara Kesatuan Republik Indonesia/NKRI) is a unitary state that adheres to the principle of decentralization in its governance system. This principle is realized through the granting of autonomy to regions, allowing them to organize and manage government affairs according to their own initiatives based on the aspirations of local communities (Fahlevy & Burhanudin, 2022). Decentralization is essentially an instrument to bring public services closer to the community, improve government effectiveness, strengthen local democracy, and achieve equitable development throughout Indonesia (Putra et al., 2022). Constitutionally, regulations concerning regional autonomy are emphasized in Chapter XVIII of

the 1945 Constitution of the Republic of Indonesia, which grants authority to regions to organize and manage their own government affairs based on the principles of autonomy and assistance. This provision demonstrates that regional autonomy is an integral component of Indonesia's state system and cannot be separated from the principle of a unitary state (Natsir, 2025).

The implementation of decentralization in Indonesia has undergone dynamic development. Following the 1998 reform era, the government enacted Law Number 22 of 1999 concerning Regional Government, which was later revised through Law Number 32 of 2004 and subsequently replaced by Law Number 23 of 2014 concerning Regional Government. Through these various regulations, the government sought to strengthen the position of regional governments in governance by establishing a more proportional distribution of authority between the central government and regional governments (Nuradhawati & Rahmandika, 2026). This policy was based on the assumption that regional governments have a better understanding of local community needs and are therefore able to formulate policies that are more effective and responsive to public interests.

Theoretically, decentralization is a mechanism for distributing authority from the central government to regional governments in order to improve the efficiency and effectiveness of government administration. Rondinelli explains that decentralization involves the transfer of authority, responsibility, and resources from the central government to lower-level government organizations or semi-autonomous organizations to improve the quality of public services and regional development. In the Indonesian context, decentralization is implemented through the delegation of concurrent government affairs, which enables regional governments to exercise authority in managing various development sectors according to the characteristics of their respective regions (Butt, 2019; Mukhlis, 2025; Nasution, 2017; Talitha et al., 2020; Widiarto et al., 2025).

However, the relationship between the central government and regional governments in Indonesian constitutional practice has not always moved toward the expansion of regional authority. In certain periods, the central government has reorganized the distribution of authority, leading to the strengthening of central government control. This phenomenon is commonly referred to as recentralization of authority, namely the process of withdrawing certain authorities previously delegated to regional governments in order to improve control effectiveness, harmonize national policies, and accelerate development (Hidayat et al., 2025; Pangestu et al., 2026; Priyanto et al., 2026; Yuliasih et al., 2026).

One policy that has generated debate regarding the direction of authority relations between the central and regional governments is the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. This law was established through an omnibus law approach aimed at simplifying various regulations considered to hinder investment, accelerating economic growth, and increasing national competitiveness. Through this approach, various provisions contained in numerous laws were simultaneously amended to create a simpler and more integrated regulatory system.

The Job Creation Law has introduced significant changes to the structure of authority relations between the central and regional governments. One of the most prominent changes is the regulation of risk-based business licensing through the Online Single Submission (OSS) system. Prior to the enactment of the Job Creation Law, regional governments had relatively broad authority in the process of granting business permits in accordance with the authority provided under Law Number 23 of 2014 concerning Regional Government. However, after the enactment of the Job Creation Law, a substantial portion of the licensing mechanism has been integrated into a national system under the coordination of the central government.

In addition to the licensing sector, the strengthening of central government authority can also be observed through the establishment of Norms, Standards, Procedures, and Criteria (NSPK), which serve as guidelines for regional governments in implementing various government affairs. These regulations require regional governments to align their policies with standards determined by the central government. This condition indicates a shift in the pattern of authority relations, which previously emphasized the provision of discretionary space for regional governments, toward a more integrated and consolidated national governance framework.

Various studies have demonstrated that this policy has generated contrasting perspectives. On the one hand, strengthening central government authority is considered capable of increasing legal certainty, reducing regulatory overlap, accelerating public services, and creating a more conducive investment climate. On the other hand, this centralization of authority is considered to potentially reduce regional governments' discretion in managing government affairs according to local needs and characteristics. Some scholars argue that strengthening central government authority through the Job Creation Law represents a setback to the spirit of decentralization that has developed since the reform era.

This issue is important to examine because regional autonomy is not only related to the distribution of administrative authority but also functions as an instrument for realizing local democracy, community participation, and equitable development. If regional government authority becomes increasingly limited, there is concern that their capacity to respond to community needs will also decrease. Conversely, if national coordination is not strengthened, various problems may emerge, including regulatory disharmony and a lack of synchronization in development policies between regions.

The urgency of this research arises from the critical need to understand how the centralizing tendencies of the Job Creation Law affect the fundamental principles of Indonesia's governance system. Regional autonomy functions not only as an administrative arrangement but also as an instrument for realizing local democracy, community participation, and equitable development. If regional government authority becomes increasingly restricted, concerns may arise regarding the declining ability of regional governments to respond effectively to community needs. Conversely, insufficient national coordination may result in regulatory disharmony and inconsistencies in development policies across regions. This research addresses this tension by examining both the normative provisions and their practical implications for the implementation of regional autonomy.

The novelty of this research lies in its comprehensive analysis of the centralization provisions within the Job Creation Law across multiple strategic sectors, including licensing, investment, spatial planning, and environmental management, through an integrated analytical framework. Unlike previous studies that focus on specific sectors, this research adopts a holistic approach to examine how the Job Creation Law fundamentally restructures central-regional authority relations while developing a balanced perspective that reconciles national coordination requirements with regional autonomy principles. Furthermore, this research contributes to the theoretical discussion on decentralization by analyzing how the omnibus law approach has been utilized as an instrument for implementing recentralization policies within Indonesia's constitutional system.

Based on the aforementioned description, it can be understood that Law Number 6 of 2023 concerning Job Creation has brought fundamental changes to the relationship of authority between central and regional governments. These changes have significant legal implications that require further examination, particularly concerning the implementation of regional autonomy within the Indonesian constitutional system. Therefore, this research focuses on examining the regulation of central and regional government authority under the Job Creation Law and analyzing the legal implications of authority centralization on the implementation of regional autonomy in Indonesia.

METHOD

This research employed a normative legal research method to examine the regulation of authority between the central government and regional governments under Law Number 6 of 2023 concerning Job Creation and its legal implications for the implementation of regional autonomy within the Indonesian constitutional system. The research used statutory and conceptual approaches. The legal materials consisted of primary legal materials, including relevant laws and regulations; secondary legal materials, such as books, scientific journals, research findings, and expert opinions; and tertiary legal materials supporting the analysis of primary and secondary legal sources. The legal materials were collected through library research by reviewing various legal sources related to the centralization of authority, decentralization, and regional autonomy. The collected legal materials were then analyzed qualitatively using a descriptive-analytical method to provide a comprehensive understanding of the regulation of central and regional government authority and the legal implications arising from the implementation of regional autonomy within the Indonesian constitutional system.

RESULTS AND DISCUSSION

Arrangement Authority Government Center And Area in Job Creation Law

Distribution authority between governments center and government Regional governance is a fundamental aspect of governance in Indonesia. As a unitary state that implements the principle of decentralization, Indonesia grants regions the authority to regulate and manage government affairs based on the principle of regional autonomy as stipulated in Article 18 of the 1945 Constitution of the Republic of Indonesia. Regional autonomy essentially aims to increase

effectiveness organization government, speeding up services public, as well as give room for area For develop their respective local potential and characteristics.

The implementation of regional autonomy was then strengthened through Law Number 23 of 2014 concerning Regional Government, which divides government affairs into absolute affairs, concurrent affairs, and general government affairs. In this system, concurrent affairs serve as the basis for implementing regional autonomy because some government authority is delegated. to area For managed in accordance with need And conditions in each region. Through these regulations, regional governments have ample scope to administer various governmental affairs, including licensing, investment, spatial planning, the environment, and public services.

However, the pattern of authority relations between the central government and regional governments has undergone significant changes following the enactment of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. The Job Creation Law essentially aims to increase investment, accelerate national economic growth, create jobs, and simplify regulations that have been considered to hinder development. 15 To achieve these goals, the government is using an omnibus law approach that amends various provisions in a number of Constitution at a time, including provision which regulates the relationship of authority between the central government and regional governments.

Normatively, the Job Creation Law brings a paradigm shift in governance, moving from a previous emphasis on decentralization to a more integrated governance model through strengthening the coordination, oversight, and control functions of the central government.16 This change is evident in various strategic sectors that were previously under the government's authority . area, however Then placed in framework more centralized national arrangements.

One of the most prominent forms of strengthening the central government's authority in the Job Creation Law is the regulation regarding licensing. try based risk (risk-based approach). Before With the enactment of the Job Creation Law, the business licensing process is carried out through various agency government, Good in level center and area, Which This often leads to overlapping authorities and lengthy bureaucracy. This situation is considered a factor hindering investment, as business actors must go through complex and relatively time-consuming procedures

Through the Job Creation Law, the business licensing system was integrated into the Online Single Submission (OSS) system, which is managed nationally by the central government. The OSS system is an electronic licensing service mechanism that integrates all licensing processes into a single national platform, making the licensing process faster, simpler, and more standardized. 18 With the implementation of the OSS system, regional governments' authority to issue various forms of business permits is no longer exercised independently as before, but must instead adhere to mechanisms and standards established by the central government.

This regulation demonstrates a shift in authority from regional to central governments in the licensing sector. While regional governments remain involved in certain administrative and verification processes, strategic authority for establishing systems, procedures, and final approval rests with the central government. From an efficiency perspective, administration, policy This

assessed capable reduce overlapping overlapping regulations and creating legal certainty for business actors. However, from From a regional autonomy perspective, this policy reduces the discretionary space for regional governments in regulating economic activities taking place within their own regions.

Besides in field licensing, strengthening authority government The center is also visible through the regulations regarding Norms, Standards, Procedures, and Criteria (NSPK). In system local government Previously, regional governments had relatively broad discretion in formulating policies according to regional needs as long as they did not conflict with higher-level laws and regulations. However, through Law Creation Work, government center given authority Which more It is important to establish NSPK as a control instrument for the implementation of government affairs in the regions (Fauzan, 2020, p. 145).

NSPK functions as a guideline that must be adhered to by local governments in carrying out various affairs of government. With thus, although formally regional authority remains recognized, its implementation must be customized with standards which have been determined by the central government (Fauzan, 2020). This condition shows that the relationship between the central government and regional governments is no longer solely based on the division of authority, but also on a mechanism of control which is the more strong from the central government (Fauzan, 2020).

The strengthening of central government authority can also be seen in spatial planning regulations. Prior to the enactment of the Job Creation Law, regional governments had considerable authority to formulate and establish regional spatial plans in accordance with regional development needs. However, following the enactment of the Job Creation Law, various regional spatial planning policies must be aligned with national strategic policies established by the central government (Islamuddin et al., 2022).

Regions. In some cases, national development interests can outweigh regional needs, creating potential conflicts between central and local interests.

In the investment sector, the Job Creation Law also shows a tendency toward centralization of authority. The central government has acquired a more dominant position in regulating national investment policies through licensing control, setting business standards, and supervising the implementation of investment in regions. Through this system, the central government makes an effort to create a more conducive investment climate by ensuring uniformity of policies across Indonesia (Harefa & Alhusain, 2020).

From the central government's perspective, this policy is necessary to address various investment barriers that have arisen due to differences in policies between regions. However, from the perspective of regional governments, this situation can reduce regional flexibility in managing local economic potential and determining development directions according to the needs of local communities. As a result, regions become increasingly dependent on nationally established policies without sufficient room to innovate policies tailored to their specific regional characteristics (Zubaedah & Hafizi, 2022).

When analyzed using Decentralization Theory, the changes in the authority structure in the Job Creation Law indicate a tendency toward recentralization. According to Rondinelli et al. (1983), decentralization is the process of delegating authority to regions so that decisions can be made more effectively and can be made closer to the society that is affected by the policy. However, various provisions in the Job Creation Law actually indicate a strengthening of the central government's control function over various matters that were previously under the authority of the regions.

From the perspective of the Theory of Authority, strengthening the role of the central government through the Job Creation Law can be understood as a form of reorganization of the distribution of authority within the framework of state unity. Manan (2000) explained that government authority is essentially a legal instrument granted by statutory regulations to carry out certain government functions. Therefore, changes in the distribution of authority between the central government and regional governments legally is a matter which is possible throughout as long as it is carried out based on applicable legal provisions.

Meanwhile, based on the Unitary State Theory, strengthening the authority of the central government can be viewed as a logical consequence of the position of the central government as the holder of the highest governmental power in the country. In a unitary state, regional governments basically obtain authority through the delegation or distribution of authority granted by the central government (Asshiddiqie, 2018). Therefore, strengthening the coordination and supervision functions of the central government cannot be separated from the need to guard the uniformity of national policy and ensure the achievement of national development goals.

Based on this description, it can be understood that the regulation of the authority of the central government and regional governments in Law Number 6 Year 2023 about Creation Work show existence change relationship patterns authority Which previously more oriented on decentralization towards a more integrated governance model by strengthening the role of government center. Change is visible through arrangement system OSS, strengthening NSPK, spatial planning, investment control, and improving the supervisory function of local governments. Although the policy the aim create certainty law, efficiency bureaucracy, and ease of investment, at the same time also shows a tendency centralization authority Which implications on reduced discretionary space for regional governments in implementing regional autonomy.

Implications Law Centralization Authority to Regional Autonomy in the Indonesian Constitutional System

The implementation of Law Number 6 of 2023 concerning Job Creation not only brings changes to the arrangement of authority between the central government and regional governments, but also gives rise to various legal implications towards implementation autonomy area within the Indonesian constitutional system. These changes are essentially a consequence of government policies that seek to harmonize regulations, improve the effectiveness of public services, accelerate investment, and strengthen national development coordination. However, the strengthening of central government authority through various provisions in the Job Creation Law

has also sparked debate about the sustainability of the principle of decentralization, which has long been a key pillar of regional governance in Indonesia.

Normatively, the relationship between the central government and regional governments in the Indonesian constitutional system is built on the principle of the state. unity Which apply principle decentralization. Through principle In this regard, regional governments are given the authority to regulate and manage government affairs according to the principles of autonomy and assistance tasks as stipulated in Article 18 of the 1945 Constitution of the Republic of Indonesia. Regional autonomy is intended to provide space for regions to organize government that is more effective, responsive, and in accordance with the needs of the local community. 30 Therefore, any changes to the distribution of authority between government center And government area will has a direct impact on the implementation of regional autonomy.

One of the most obvious legal implications of the centralization of authority in the Job Creation Law is a change in the relationship between the central and regional governments. Prior to the enactment of the Job Creation Law, the relationship between the central and regional governments emphasized the division of government affairs through decentralized mechanisms, as stipulated in Law Number 23 of 2014. about Government Area. In system the, government Regions have relatively broad scope to determine policies according to the conditions and needs of their respective regions.

However, following the enactment of the Job Creation Law, this relationship shifted toward a more integrated pattern through the strengthening of the central government's oversight, control, and coordination functions. The central government gained a more dominant position in establishing various strategic policies, including those in the areas of business licensing, spatial planning, investment, and the establishment of Norms, Standards, Procedures, and Criteria (NSPK). This situation indicates that regional governments no longer have the same flexibility as before in carrying out various governmental affairs.

This change in relationship patterns has implications for the position of regional governments in the national government system. areas that previously had relative discretionary space Regional governments now have to adapt various regional policies to the standards and provisions set by the central government. As a result, regional governments play a more central role as implementers of national policies rather than as primary actors in regional development.

However, the centralization of authority carried out through the Job Creation Law Work also provides positive impact to the aspect of legal certainty. Before the enactment of the Job Creation Law, differences in policies and regulations between regions were often found, leading to legal uncertainty for both the public and businesses. procedure licensing, standard service, and condition administration in various areas are often an obstacle in investment activities and economic development.

Through the OSS system and strengthening the NSPK, the central government is striving to create uniform regulations that apply nationally. This policy allows for the same service standards across Indonesia, thereby reducing the potential for normative conflicts and regulatory overlap. Therefore, from a legal certainty perspective, centralization authority can give benefit in the form

of increasing legal predictability and convenience for businessmen in carry out economic activities.

In addition to impacting legal certainty, centralization of authority also has implications for the provision of public services. Theoretically, good public services must be able to meet the needs of the community effectively and efficiently. The government believes that strengthening central government authority through a nationally integrated system can improve the quality of public services by simplifying bureaucracy and accelerating administrative processes.

However, the effectiveness of public services is determined not only by uniform regulations, but also by the government's ability to understand the diverse needs of communities in each region. In this context, local governments inherently have an advantage because they better understand the social, economic, cultural, and geographical conditions of their communities. When room authority government area become more limited, then the ability of regions to adapt public service policies to local needs also has the potential to decline.

Implications other is decrease room independence area in implementing autonomy region. Autonomy area In essence, it grants regions the rights, authority, and obligations to regulate and manage their own government affairs in accordance with the principles of democracy and public participation. However, with the increasingly strong role of the central government in various strategic sectors, the scope for regional governments to make decisions has become increasingly limited.

In field licensing and investment for example, government area no longer has broad authority to determine the direction of economic policy area. Various decision strategic must customized with system and policy Which set by government central government. As a result, the ability of regions to develop policy innovations that suit their respective regional characteristics is reduced. This condition has the potential reduce effectiveness implementation autonomy area Which during This is an important instrument in encouraging development based on local potential.

When analyzed using Decentralization Theory, the various changes stipulated in the Job Creation Law indicate a tendency to reduce decision-making space at the regional level. According to Rondinelli, decentralization aims to bring the decision-making process closer to the people. public so that policy Which produced more responsive to local needs. From this perspective, strengthening the authority of the central government can be seen as a form of recentralization that has the potential to reduce the essence of decentralization itself.

However, the Decentralization Theory also recognizes that the delegation of authority to the region cannot be carried out absolutely without a monitoring mechanism from the central government. In a country that has a territory wide and the level of diversity that tall like In Indonesia, the central government remains responsible for maintaining national policy alignment and preventing regulatory fragmentation. Therefore, strengthening government authority inner center limit certain can be understood as an effort to create a balance between national needs and regional needs.

Based on Theory Authority, change distribution authority The Job Creation Law represents a restructuring of governmental authority that is legally possible within the Indonesian

constitutional system. Bagir Manan explains that governmental authority is the power granted by law to a governmental body to carry out certain actions within the framework of governance. Therefore, the change in authority from regional to central government cannot be viewed as a violation of the principle of regional autonomy as long as the change is made based on valid statutory provisions.

However, from an authority perspective, strengthening the role of the central government must still adhere to the principle of proportionality. The central government should not take over all regional authority, but should only regulate matters that have impact strategic in a way national. If arrangement Which If done too much, it can create an imbalance in the relationship center and area and reduce effectiveness implementation of regional autonomy.

Meanwhile, based on the Unitary State Theory, the centralization of authority carried out through the Job Creation Law can be seen as as consequence logical from position government center as the holder of the highest governmental power in the country. In a unitary state, regional government is not a stand-alone entity, but rather part of the national government structure that obtains its authority through delegation from government center. Therefore,

The central government has constitutional legitimacy to regulate and control the implementation of regional government as long as it aims to safeguard national interests.

From this perspective, the centralization of authority through the Job Creation Law can be understood as the government's effort to strengthen national policy integration, increase development effectiveness, and create uniform service standards across Indonesia. However, this policy must still consider the principle of regional autonomy, which is also guaranteed by the constitution, to avoid creating an unequal relationship between the central and regional governments.

Based on this description, it can be understood that the centralization of authority Which arranged in Constitution Number 6 Year 2023 about Cipta Work cause implications law Which nature dualistic. In One side, centralization is able to increase legal certainty, simplify procedures service public, strengthen coordination national, and creating a more conducive investment climate. However, on the other hand, centralization also has implications on decrease room discretion government area, Limited local policy innovation, and declining levels of regional independence in implementing autonomy. Therefore, the main challenge after the enactment of Law Creation Work is how to maintain balance between national interests that demand uniformity of policy and regional needs that require flexibility in organizing government according to their respective local characteristics.

CONCLUSION

Based on the research findings, it can be concluded that the regulation of authority between the central government and regional governments under Law Number 6 of 2023 concerning Job Creation demonstrates a shift in the pattern of authority relations, which was previously more oriented toward decentralization and has moved toward a more integrated governance model through the strengthening of central government authority. These changes are reflected in the

implementation of risk-based business licensing through the Online Single Submission (OSS) system, the strengthening of central government authority in establishing Norms, Standards, Procedures, and Criteria (NSPK), the control of national investment policies, spatial planning, and the enhancement of supervision over regional government affairs. Although regional governments retain the authority to administer government affairs in accordance with the provisions of Law Number 23 of 2014 concerning Regional Government, the exercise of such authority must be aligned with policies and standards established by the central government.

The centralization of authority regulated under the Job Creation Law has generated dual legal implications for the implementation of regional autonomy within the Indonesian state administration system. On the one hand, strengthening central government authority can enhance legal certainty, simplify public service procedures, reduce regulatory overlap, strengthen national development coordination, and create a more conducive investment climate. On the other hand, this policy may reduce the discretionary space of regional governments in decision-making, limit local policy innovation, and decrease regional independence in administering government affairs according to their respective needs and characteristics. Therefore, a balance is required between national interests and the principle of regional autonomy to ensure that the strengthening of central government authority remains consistent with the spirit of decentralization guaranteed by the 1945 Constitution of the Republic of Indonesia (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945/UUD NRI Tahun 1945).

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