

Legal Politics In Realizing Social Justice In The Era Of Regional Autonomy

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Abstrak: *Legal politics plays a strategic role in realizing social justice in Indonesia, especially in the context of regional autonomy which aims to reduce social inequality. This research examines legal politics in Indonesia with a focus on the implementation of regional autonomy policies and their role in realizing social justice. Based on an analysis of Law No. 23 of 2014 on Regional Government, Law No. 33 of 2004 on Fiscal Balance, as well as data from various institutions, this research finds that although decentralization policies aim to strengthen equitable development, in practice, they often accommodate elite interests and exacerbate inequality. In addition, weak oversight of local financial management, low accountability, and unfairness in budget distribution are factors that exacerbate social inequality. Therefore, this study recommends strengthening the capacity of regions to plan development based on local needs as well as reforms in budget allocations that are more proactive for disadvantaged regions. Legal politics should be directed towards policies that support transparency, accountability and community empowerment to achieve the goal of equitable development. This research is expected to contribute to the development of more equitable and inclusive legal policies in the era of regional autonomy.*

Keywords: *Legal Politics; Regional Autonomy; Social Justice*

INTRODUCTION

Legal politics plays a strategic role in shaping the direction of the life of the nation and state, especially in realizing social justice. As a policy instrument, legal politics functions to regulate the legal system in accordance with the ideals of the nation as stated in the Preamble of the 1945 Constitution, namely the creation of a just and prosperous society. However, legal politics in Indonesia often faces a dilemma between the ideals of Pancasila and the reality of implementation in the field. This can be seen from various legal policies that still accommodate the interests of certain elites, which tend to ignore the principle of substantive justice. This shows that the mismatch between legal norms and social practices is one of the causes of the low effectiveness of law in promoting social equity.¹

¹ Moonti, R. M. (2019). Regional Autonomy in Realizing Good Governance. *Substantive Justice International Journal of Law*, 2(1), 43-53.



In the context of the implementation of regional autonomy, the role of legal politics becomes increasingly complex because it must respond to the needs of the community at the local level without ignoring national interests. Decentralization policies that should strengthen social justice are often hampered by weak legal planning that is responsive to regional diversity. According to a report by the Corruption Eradication Commission (2022), regional autonomy actually increases the potential for structural corruption in various sectors, which in turn exacerbates social inequality. Thus, legal politics is needed that is not only normative, but also progressive, through strengthening regulations that favor the poor and disadvantaged. Law must become a tool of social change (law as a tool of social engineering) to overcome systemic inequality.²

However, the biggest challenge in the implementation of regional autonomy is the weak capacity of local governments in formulating policies that favor social justice.³ Many local governments are trapped in elitist and non-inclusive development patterns. Data from the Central Bureau of Statistics (BPS) for 2023 shows that the level of inequality between regions in Indonesia, measured using the Gini Index, is still high in some regions, such as Papua (0.391) and South Sulawesi (0.379), compared to DKI Jakarta (0.314). This shows that the decentralization policy has not been able to be an optimal solution to overcome social inequality. Law No. 23/2014 on Regional Government, which is the legal basis for regional autonomy, should provide more specific directions to support inclusive development, but its implementation is often not in accordance with the principles of social justice mandated in Article 33 of the 1945 Constitution.

In addition, the implementation of regional autonomy is often characterized by weak supervision of regional financial management. Based on the BPK report in 2022, there were still more than 10,000 cases of misuse of APBD funds at the regional level, indicating poor financial governance. This is contrary to the mandate of Law No. 17/2003 on State Finance, which underlines the importance of accountability in public financial management. As a result, communities in underdeveloped regions are increasingly marginalized because budget allocations are not used for programs that truly address community needs. Therefore, legal politics in regional autonomy needs to be directed at strengthening the supervisory system, both through internal and external mechanisms, so that regional financial management truly reflects favoritism to marginalized communities.⁴

To address the challenges of corruption and inequality in regional autonomy, improving the legal system that supports transparency and public participation is an urgent need. Based on data from Transparency International Indonesia (TII) in 2023, Indonesia's Corruption Perception Index (CPI) will only reach a score of 34/100,⁵ shows the high risk of corruption, especially at the local level. Law No. 14/2008 on Public

² Fauzi, A. (2022). Reformasi Agraria Dalam Kerangka Otonomi Daerah. *Jurnal Bina Mulia Hukum*, 6(2), 218-233.

³ Putri, A. F. J., Herdika, M., & Fendita, X. A. (2022). Desentralisasi Sebagai Upaya Penanggulangan Problematika Serta Tantangan Dalam Penyelenggaraan Pemerintahan Daerah. *BulleT: Jurnal Multidisiplin Ilmu*, 1(03), 400-408.

⁴ Suparto, S. (2021). The Position and Function of the Regional Representative Council in Constitutional System of Indonesia According to the Regional Autonomy Laws: A Shift from Legislative to Regional Executive. *UNIFIKASI: Jurnal Ilmu Hukum*, 8(1), 53-69.

⁵ Antow, D. T., & Bawole, H. Y. (2023). pelaporan harta kekayaan penyelenggara negara sebagai upaya pencegahan tindak pidana korupsi. *lex administratum*, 11(4).

Information Disclosure has provided a legal basis to ensure accountability in local governance, but its implementation is far from optimal. Many regions do not fully open access to budget information to the public, making it difficult for the public to monitor the allocation and use of regional funds. This condition increases the potential for development inequality between developed and underdeveloped regions, as resources are utilized more for local political interests than for the welfare of the community.⁶ Therefore, strengthening the role of the community in supervision and empowering anti-corruption institutions such as the KPK at the regional level are important steps to realize equitable governance.

To reduce growing social inequality, political and legal policies need to focus on equitable redistribution of resources through a data-driven approach and local needs.⁷ Based on the Ministry of Finance's 2023 report, the allocation of the General Allocation Fund (DAU), which should be an instrument of equity between regions, is still dominated by regions with high fiscal capacity, while underdeveloped regions receive a much smaller portion. This is contrary to the mandate of Law No. 33/2004 on Fiscal Balance between Central and Regional Governments, which emphasizes the importance of financial allocations that reflect the principle of equity. In addition, access to education and health as the main pillars of social development is still unequal, with the ratio of the availability of educators in disadvantaged areas only 1:60 compared to 1:20 in urban areas (BPS, 2023). For this reason, legal politics must be directed towards more proactive budget allocation reforms, such as adding a gap indicator in the DAU calculation and strengthening the sustainability of affirmative programs in the education and health sectors for disadvantaged regions.

As a strategic step, the government also needs to optimize the implementation of legal politics that support sustainable development through strengthening regional capacity in local resource management. Based on a report from the Ministry of Home Affairs in 2023, 45% of local governments do not have a Regional Medium-Term Development Plan (RPJMD) that is integrated with the principles of social justice and sustainability.⁸ This is not in line with the mandate of Law No. 25/2004 on the National Development Planning System, which requires each region to develop development plans based on the needs of the community and local potential. In addition, Bappenas data shows that the fiscal dependence of underdeveloped regions on central transfers still reaches 80%, indicating the weak ability of regions to utilize local resources. Therefore, legal politics must be directed at strengthening regulations and policies that support local economic empowerment, such as incentives for the development of MSMEs and sustainable management of natural resources, in order to encourage equitable distribution of welfare throughout Indonesia.

⁶ Nurmiyati, N., & Rahmawati, D. E. (2021). Politik Sumber Daya Alam: Studi Terhadap Kepentingan Elit Politik Lokal Dalam Pemekaran Wilayah Di Kabupaten Paser Provinsi Kalimantan Timur. *Jurnal Wacana Politik*, 6(1).

⁷ Ilyas, I., & Roba, S. (2023). Prospect The Study Of Local Legal Autonomy in Regional Autonomy Legal Politics. *International Journal of Business, Law, and Education*, 4(1), 158-174.

⁸ Hasanah, H., & Rosliana, A. A. (2019). Analisa Keselarasan Indikator Tujuan Pembangunan Berkelanjutan Dengan Rancangan Peraturan Daerah Kabupaten Indragiri Hilir Tentang Rencana Pembangunan Jangka Menengah Kabupaten Indragiri Hilir Periode 2019–2023. *Selodang Mayang: Jurnal Ilmiah Badan Perencanaan Pembangunan Daerah Kabupaten Indragiri Hilir*, 5(1).

METHODOLOGY

This research method uses a normative juridical approach, which focuses on analyzing legislation and legal documents to evaluate legal politics in realizing social justice in the era of regional autonomy. This research examines Law No. 23/2014 on Regional Government, Law No. 33/2004 on Fiscal Balance, as well as other relevant regulations, and integrates a conceptual approach to understand legal theories related to social justice and regional autonomy. Primary data used are legal documents, while secondary data include legal literature, scientific journals, and official reports from institutions such as BPS and BPK. The data was collected through a literature study and analyzed descriptively and qualitatively to evaluate the effectiveness of legal policies. Thus, this research is expected to provide an in-depth understanding of legal politics in the era of regional autonomy and offer legal solutions to improve social justice

RESULTS AND DISCUSSION

A. The Challenge of Mismatch between Norms and Legal Practices

The mismatch between legal norms and social practices has become a fundamental challenge in the implementation of legal politics in Indonesia. Although ideally, legal politics is expected to integrate the ideals of social justice contained in Pancasila, in reality, the implementation of legal policies often favors certain elites. This is contrary to the principle of substantive justice which is the basis of the state. As an instrument of social change, the law should be responsive to the needs of the wider community. Legal norms that are incompatible with social practices reduce the effectiveness of law in promoting social equity.⁹

In the context of regional autonomy, the discrepancy between legal norms and practices further exacerbates the situation. Decentralization policies designed to strengthen social justice are often hampered by weak regulations that are responsive to local diversity. The high Gini Index in regions such as Papua (0.391) and South Sulawesi (0.379) compared to DKI Jakarta (0.314) is an example of this¹⁰ shows that decentralization policies have not been able to reduce social inequality. In this case, policy reforms that are able to respond to local dynamics are needed to bridge this gap. In addition, active community participation in decision-making can strengthen the effectiveness of decentralization policies.¹¹ Collaboration between local governments and communities needs to be enhanced to create more inclusive and sustainable solutions. The adoption of technology that supports transparency and accountability is also key in reducing these disparities.

One of the main causes of this discrepancy is the weak oversight mechanism for policy implementation at the local level. Based on the BPK report in 2022, more than 10,000 cases of misuse of APBD funds were

⁹ Ardiputra, M. A., Kementerian, R. K. I. I. B. P., & RI, H. (2021). Pola Efektif Pembinaan Hukum untuk Meningkatkan Keberhasilan Pembangunan Hukum. *Jurnal Ilmiah Kebijakan Hukum*, 15(1), 37-48.

¹⁰ Harjanto, T., & Ariyani, R. M. (2019). Distribusi Pendapatan di Indonesia. *Cendekia Jaya*, 1(2), 29-41.

¹¹ Rachmad, A. F., Azaria, E., Xusan, Q. N., & Azzahra, N. (2023). Pengaruh Kebijakan Desentralisasi Terhadap Peningkatan Kesejahteraan Masyarakat Daerah. *Jurnal Penelitian Serambi Hukum*, 16(02), 75-88.

found,¹² shows the weakness of financial governance in the regions. The mismatch between normative policies such as Law No. 14/2008 on Public Information Disclosure and the reality on the ground further exacerbates this condition. As a result, public funds that should be used to improve community welfare are instead misused, strengthening social inequality. Therefore, more effective oversight is needed through the empowerment of anti-corruption institutions such as the KPK at the local level as well as strengthening public participation in budget management oversight.

Addressing discrepancies between legal norms and practices requires progressive measures based on a fairer redistribution of resources. Local data-based budget allocation reforms, including the addition of social inequality indicators in the calculation of the General Allocation Fund (DAU), are one strategic solution. In addition, improving access to basic services such as education and health in disadvantaged areas is also a priority. The unequal ratio of educators in disadvantaged areas (1:60) compared to urban areas (1:20) shows the need for stronger affirmative policies. Legal politics that are responsive to local needs, by integrating the principles of social justice, should be the main focus to reduce existing structural inequalities.

B. Social Inequality in the Implementation of Regional Autonomy

The implementation of regional autonomy in Indonesia, which is supposed to be a tool to reduce social inequality, has often failed to achieve its goals. Inter-regional inequality, reflected in Gini Index data, such as in Papua (0.391) and South Sulawesi (0.379) compared to DKI Jakarta (0.314), shows that decentralization does not always bring tangible benefits to people in disadvantaged areas. Decentralization policy, which ideally promotes equitable development, seems to face more systemic obstacles. This imbalance indicates that the policy is less responsive to local needs, which should be the main focus of decentralization.¹³ As a result, social inequality remains entrenched, while underdeveloped regions are increasingly marginalized in the distribution of national resources.

The low capacity of local governments is one of the main causes of the failure of decentralization policy implementation.¹⁴ Local governments often lack the technical and planning skills to maximize the potential of their local resources. The fiscal dependence of lagging regions on transfers from the central government, which is as high as 80%, indicates their weak financial independence. This situation exacerbates development inequality as regions with high fiscal capacity tend to benefit more from decentralization policies. Deep reforms in local financial governance and local government capacity building are urgent to address this challenge.

On the other hand, weak supervision of regional financial management increases the opportunity for misuse of public funds, further exacerbating inequality. Based on a 2022 BPK report, more than 10,000 cases of misuse of APBD funds were found, signaling a lack of accountability in regional financial governance. This

¹² Rani, R. (2022). *Peran Audit Pemerintah dalam Upaya Pengendalian Korupsi di Indonesia (Studi Data Panel Provinsi Indonesia)* (Doctoral dissertation, UNIVERSITAS MUHAMMADIYAH PALOPO).

¹³ Putri, B. K., Maggara, T. S., Frinaldi, A., & Magriasti, L. (2024). PERAN DESENTRALISASI FISKAL DALAM MENINGKATKAN KUALITAS PELAYANAN PUBLIK DI ERA PASCA-PANDEMI DI SUMATERA BARAT. *Jurnal Manajemen Dinamis*, 6(4).

¹⁴ Faisal, K. M., & Jumroh, J. (2019). Implementasi Kebijakan Pemberdayaan Masyarakat Miskin (Studi tentang Program Keluarga Harapan Di Kota Palembang). *Jurnal Ilmu Administrasi dan Studi Kebijakan (JIASK)*, 1(2), 1-12.

imbalance shows that decentralization policies require not only strong regulations but also effective oversight. Without strengthened transparency and oversight, funds allocated to underdeveloped regions will only continue to be used for the benefit of local elites, instead of improving the quality of life of marginalized communities. Therefore, there is a need for a technology-based monitoring system that can monitor in real-time the use of public funds. In addition, public education on the importance of accountability in financial management is also needed to build collective awareness. Collaboration between government agencies, civil society and academia needs to be strengthened to ensure better and more inclusive financial management.¹⁵

To address this inequality, a more equitable redistribution of resources should be a priority of decentralization policy. The allocation of the General Allocation Fund (DAU) needs to be redesigned by taking into account indicators of social inequality to ensure that disadvantaged regions receive a portion that is appropriate to their needs. In addition, improving access to education and health should also be an integral part of this policy reform. The ratio of educators in disadvantaged areas, which is only 1:60 compared to 1:20 in urban areas, is a clear example of inequality that requires special attention. With a more inclusive and data-driven approach, legal politics in the context of regional autonomy can serve as an effective social change tool to address systemic inequality.

C. Strengthening Supervisions and Transparency System

Strengthening the supervision system and transparency in regional financial management is an urgent need to realize accountable governance. Data from BPK in 2022 showed more than 10,000 cases of misuse of APBD funds, reflecting weak supervision of public financial management. This condition not only signifies the failure of local governments in carrying out accountability, but also increases the potential for structural corruption that harms the community, especially in underdeveloped areas. Without effective oversight, decentralization becomes a loophole for irregular practices that hamper equitable development.

The poor implementation of Law No. 14/2008 on Public Information Disclosure further exacerbates this situation. Many local governments have not fully opened access to budget-related information to the public, even though information disclosure is one of the main principles of good governance. Lack of transparency not only hinders public participation in oversight, but also eliminates opportunities to build public trust in government. This suggests that information disclosure policies need to be optimized through strengthening regulations and imposing strict sanctions on transparency violations.

In addition, weak internal and external oversight mechanisms at the local level exacerbate the effectiveness of financial governance. In many cases, internal supervision conducted by regional inspectorates is limited to administrative formalities without touching on the substance of financial management.¹⁶ To address this, the government should strengthen oversight institutions such as the KPK at the regional level, provide training to local auditors, and encourage community involvement as independent watchdogs. Community

¹⁵ The Legal Status of Customary Villages within the Framework of Special Autonomy in Papua A Perspective on Legal Politics

¹⁶ Karianga, H. (2017). *Carut-Marut Pengelolaan Keuangan Daerah di Era Otonomi Daerah*. Prenada Media.

participation in overseeing the use of public funds can be one of the strategic solutions to reduce the potential for corruption and ensure that the budget is used optimally for the benefit of the people.

As a concrete step, local governments need to integrate technology through e-government to support transparency and accountability in financial management. With a digital platform that allows direct public access to budget information, public involvement in oversight will be easier to do. In addition, this system can accelerate the detection of budget misuse, improve the efficiency of financial management, and increase public trust in governance. By strengthening oversight and transparency based on technology.

D. Fair Resource Redistribution Policy

Fair resource redistribution policies play a crucial role in reducing social inequality in society. Growing social inequality creates disparities in access to economic, educational and health resources.¹⁷ Therefore, local needs-based redistribution is an urgent step to ensure that every community can enjoy the same services without discrimination. This is important considering that each region has unique challenges that require appropriate handling of local characteristics. In addition, community involvement in designing and supervising the redistribution of resources is urgently needed to ensure that the programs implemented are truly effective and relevant. Strengthening collaboration between the government, the private sector, and community organizations can also strengthen sustainable redistribution results. That way, resource redistribution not only reduces inequality, but also improves people's welfare holistically.

The allocation of the General Allocation Fund (DAU) must consider social inequality indicators to support the development of disadvantaged regions. DAU is one of the main instruments in distributing the state budget evenly to various regions.¹⁸ However, if the allocation is only based on the number of population or the area without paying attention to social conditions, it will deepen the gap between regions. Indicators such as poverty rates, school dropout rates, or access to health services must be the main considerations so that DAU can truly support efforts to distribute development.

It is important to ensure that the redistribution of resources is not only quantitative, but also qualitative. Effective redistribution requires an in-depth analysis of local needs and the potential resources that can be developed according to that context. In addition, community participation in determining redistribution priorities must also be the main focus so that the results really create a positive and sustainable impact. This process must involve a wide range of parties, including governments, academics, and communities, to create more inclusive and equitable solutions. Thus, resource redistribution can strengthen regional capacity in developing its economic and social potential. In addition, strengthening regulations that support transparency and accountability of redistribution is also urgently needed to avoid misuse of resources.

¹⁷ Augustia, A. D., Karimullah, M. R., Tsani, A. F., & Fa'urachmad, S. I. (2024). MENGURAI BENANG KUSUT KESENJANGAN SOSIAL EKONOMI: STRATEGI MENUJU MASYARAKAT YANG ADIL DAN SEJAHTERA. *Neraca: Jurnal Ekonomi, Manajemen dan Akuntansi*, 2(5), 588-593.

¹⁸ Syahidin, S. (2020). Pengaruh Dana Alokasi Umum (DAU) Terhadap Kemiskinan di Kabupaten Aceh Tengah. *Gajah Putih Journal of Economics Review*, 2(1), 1-15.

Collaboration between sectors is key to ensuring that redistribution not only meets current needs, but also supports inclusive long-term growth.

In this context, transparency and accountability in managing resource redistribution are the main keys. Communities should have clear access to information on the allocation and use of funds, so that they can ensure that the policy not only supports specific groups, but creates a fair balance across the region. Thus, redistribution based on local needs and social inequality indicators can provide more inclusive solutions to narrow the gap between regions.

CONCLUSION

A fair redistribution of resources policy is essential to reduce social inequality in society. Redistribution based on local needs can ensure equal access to economic, educational, and health resources. Each region has unique challenges that require handling according to its local characteristics. Community involvement in the design and supervision of resource redistribution is needed so that the implemented programs are effective and relevant. Collaboration between governments, the private sector, and community organizations can strengthen sustainable redistribution outcomes. The allocation of the General Allocation Fund (DAU) needs to consider social inequality indicators to ensure equitable distribution of development in disadvantaged areas. Effective redistribution requires an in-depth analysis of local needs as well as the potential for resource development. In addition, transparency and accountability in the management of redistribution are very important to avoid misuse of funds. Community participation in determining redistribution priorities will strengthen the positive and inclusive impact on community welfare holistically.

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