THE URGENCY OF ESTABLISHING LAMPUNG PROVINCE REGIONAL REGULATIONS ON GOVERNMENT AFFAIRS

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Abstract

This paper aims to explain why a regional regulation is needed to address the problem and engage the government and the community in the relations of central and regional government in Lampung Province. The problems in Lampung Province are very interesting to discuss in the context of the ambiguity between the central and local governments as administrators and the distribution of powers in the region’s decentralisation process. The possibility of such distribution must be regulated in the regional regulation draft on matters that are under the authority of Lampung Province, according to the new material introduced by Law Number 23 of 2014, namely the allocation of general affairs in the hands of the President to the province, which must later be coordinated by the regional chief. By using a qualitative method based on the collection of documents from books, journal articles, national law, and government documents, we analysed the data by using a theoretical framework of the regional autonomy and regulation formulation concepts. We found that a clear and firm mechanism for guidance, monitoring, empowerment, and sanctions is needed to finalise the regional autonomy processes. Another finding was the main reasons for the establishment of regional regulations on government affairs in Lampung Province could be seen from the philosophical, sociological, and legal aspects. Finally, we suggested the immediate preparation for a regional regulations draft on government affairs in Lampung.

Keywords: decentralisation; government affairs; regional autonomy; regulation; urgency

Abstrak


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Terakhir, Penulis mengusulkan untuk segera mempersiapkan rancangan peraturan daerah tentang urusan pemerintahan di Provinsi Lampung.

Kata kunci: desentralisasi; otonomi daerah; peraturan; urgensi; urusan Pemerintah

I. Introduction

According to Muhammad Nasroen, humans cannot fully realize the fundamental idea of the state because it is influenced by the location and time of the event (place and time).\(^3\) The unitary state is a type of state genus in the context of the state form (staatsvorm) as the culmination of the human desire to socialize and organize. In explaining state forms, Rudolf Kranenburg introduced the concept of a unitary state (known as Negara Kesatuan in Indonesia).\(^4\) The authority to exercise power within a state government divides the state into two types (sovereignty). The first is a unitary state, in which power is centralized, and the second is a federal state, in which power is decentralized. Soehino defined the unitary state as a single state with supreme power or authority over all branches of government. While Moh. Kusnardi and Harmaily Ibrahim emphasized that the difference between unitary and federal states was that in a federal state, there were no known states within a state.\(^5\)

The central government will oversee managing affairs in a centralised system. Then it is up to the central government to handle the affairs or delegate some of them to the regional government. Typically, a unitary state with a relatively narrow territory and a small population will manage all state affairs independently. Meanwhile, in a unitary state with a relatively large land area and a relatively dense population, it will delegate some of its responsibilities to the regional government, which will manage them while remaining accountable to the central government and authorised to supervise the regional government.

Since its independence, Indonesia decided to implement unitary states with centralised power as their form of state. The decision made to uphold the highest constitutional obligation of the state is to prosper and make its citizens happy in the sense of the fulfilled of their needs. In Indonesia, the state's obligation to prosper its citizens is stated in the Preamble of the 1945 Constitution, paragraph IV, which are:

"... to protect the entire nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace and social justice..."

When a unitary system is used to implement a centralised government, all political power is concentrated in one or more central units, with no government division as parts of the

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country. The authority is then delegated to a specific part of the central government that acts as representatives of the central government to administer local administration. This type of state or bureaucracy formation was heavily implemented by the Soekarno (after 1959) and Soeharto (1968-1998) administrations. Following the reformation in 1998, there was a strong demand from the people and even local governments to distribute authority and have autonomy in each region. The main reason for the demand is the nearly 30-year experience under the Soeharto regime, which centralised power and wealth, resulting in corruption. Further reasons for the demand, according to Kristiansen and Santoso, were the lack of transparency in state affairs, the limited accountability of influential institutions, which facilitated rent-seeking and shady economic dealings, and the economic donation by ethnic Chinese conglomerates and the Suharto family and their associates in key positions.

Aside from people's negative experiences, Yakub et al. (2018) argued that the urgent need for political decentralisation and regional autonomy in Indonesia was also comprised of three factors: pluralism (diversity of communities coexisting in unity), recognition and respect for the principles of the nation, state, government, and community, as well as the achievement of dynamic political stability, and the development of the local perspective approach.

Despite several laws governing power distribution, Indonesia currently has Law Number 23 of 2014 on Regional Government to implement the decentralised system and regional autonomy. Law Number 23 of 2014 replaced Law Number 32 of 2004 concerning Regional Government, and the two laws regulate different types of government affairs. Previously, under Law Number 32 of 2004, there were only two types of affairs: central government affairs that are fully managed by the central government and central government affairs that are partially managed by the regions. Meanwhile, according to Law Number 23 of 2014, there are three types of affairs: (1) those managed by the central government, known as absolute affairs; (2) those managed by the central government, which are partly handed over to local governments, known as concurrent affairs; and (3) those managed by the central government (the President), which are then assigned to the regions to manage, known as general government affairs.

Furthermore, competing issues are subdivided into mandatory and optional issues. Mandatory matters are further subdivided into basic and non-basic services. According to Law Number 23 of 2014, there are six mandatory basic service matters, 18 non-basic service matters, and eight optional matters. These are all concurrent matters, with seven classified as

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6 Ibid., p. 18-19.
general government matters. If the general government matters are eventually assigned to and managed by the regions, the regions will be responsible for 39 issues. With so many issues at stake, regional bureaucracies or regional apparatus must be adequate in terms of quality, competence, integrity, accountability, and credibility. Only with such bureaucratic prerequisites and high-quality leadership will the ultimate goal of regional autonomy in the form of regional common good be realised. Because of the importance of the bureaucracy's role, it is the bureaucracy that determines the state's life society.\(^9\)

Thus, the bureaucracy or regional apparatus must be effective and efficient, according to Number 6 of the General Explanation of Law Number 23 of 2014. This means that when dealing with government affairs, regions must reorganise the institutional structure of their regional apparatus, particularly in light of Government Regulation Number 18 of 2016, which indicates the need to restructure the institutions of the regional apparatus. This is undoubtedly a challenge for the province, because the region must perform more tasks than under the previous Regional Administration Law, while also restructuring the institutions of its regional apparatus.

In addition to the effectiveness and efficiency of the bureaucracy, Number 6 of the General Explanation of Law Number 23 of 2014 directs that the broad autonomy introduced by Law Number 23 of 2014 follows an asymmetric approach, which means that while the government is of the same type for all regions, the regions should be able to determine priority matters or higher-level matters based on their respective regions' conditions. Of course, such a determination must be consistent with each region's medium- and long-term development goals; in the submission of concurrency matters, Law Number 23 of 2014 specified which matters are the responsibility of the central government and which are the responsibility of the provinces, regions, and cities. These details are included in the Annex to Law Number 23 of 2014 as an inseparable part of the law.

Concerning the classification of government affairs carried out by the central government and regional authorities, which serve as the foundation for the implementation of regional autonomy carried out by regional governments. In paragraph (1) of Article 10 of Regional Government Law Number 23 of 2014. The concurrent governmental affairs are defined in Article 12 of Law Number 23 of 2014 on Regional Government as mandatory governmental affairs related to basic services, mandatory governmental affairs not related to basic services, and preferential governmental affairs.

Various publications have evaluated Indonesia's implementation of decentralisation and

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regional autonomy. Rusli noted in early 2003, during the transition period from the Soeharto regime to a new era, that Law Number 23 of 2014 was only good in theory. Nonetheless, there were numerous difficulties in putting the law into effect.\textsuperscript{10} The regional government was only an enforcer, not an organiser or a thinker. There was also no clear framework for developing regional regulations for distributed authorities. Aminah et al. (2020) found that many problems, such as border conflicts, regional conflicts that have spilled over into their original regions, debt problems, and conflicts over the transfer of regional assets, can lead to violent conflict, supporting Rusli's argument.\textsuperscript{11} Welfare, as one of the goals of decentralisation, could not be fully realised, for example, in Lampung Province, which ranked in the lower middle of the Human Development Index from 2009 to 2015.\textsuperscript{12} They believe that all of the problems stem from regional leaders' lack of commitment to implementing Law Number 32 of 2004 on regional autonomy.\textsuperscript{13}

Kristiansen and Santoso (2006) conducted another study of decentralisation and privatisation reforms in Indonesia, this time focusing on health care. Their main findings were threefold: local health service management lacks transparency and accountability, health centres are becoming profit centres, and the growing role of private actors tends to reduce concern for health care and poor people's conditions.\textsuperscript{14} They proposed a pro-poor policy for better decentralisation of health-care services.\textsuperscript{15} We strongly agree because one of the most fundamental goals of doing government business is to serve the people and their needs.

The problems in Lampung Province are very interesting to discuss in the context of the ambiguity between the central and local governments as administrators and the distribution of powers in the region's decentralisation process. Lampung Province is one of the provinces within Indonesia's unitary state that has implemented the details of competing affairs as specified in the Annex to the Law. Between 2009 and 2015, the province was classified as a non-prosperous region, with a human development index score of 62.07 points, and it is still below the high criteria of 70 points.\textsuperscript{16} Law Number 23 of 2014 must be applied with caution to set priorities/overriding issues based on the circumstances in the province so that it truly meets the conditions and needs of the people in the province. According to Darmastuti, the Lampung provincial government continues to face numerous issues, including conflicts of interest between local districts, maladministration, public dissatisfaction with services, corruption,

\textsuperscript{12} Ibid., pp. 127.
\textsuperscript{13} Ibid.
\textsuperscript{14} Stein Kristiansen and Purwo Santoso, op.cit, pp. 247.
\textsuperscript{15} Ibid.
\textsuperscript{16} Aminah, et. al., loc.cit.
impractical budgeting, poverty and unemployment, failure of the local House of Representatives to control local bureaucrats, public scepticism, and dissatisfaction with the civil servant recruitment process.\textsuperscript{17} Darmastuti previously discovered in her research that local (or regional) autonomy in Lampung Province has resulted in different outcomes in the three districts, with more problems in IT and communications but high performance in the provision of goods and services.\textsuperscript{18}

Furthermore, the possibility of such distribution must be regulated in the regional regulation draft on matters that are under the authority of Lampung Province, according to the new material introduced by Law Number 23 of 2014, namely the allocation of general affairs in the hands of the President to the province, which must later be coordinated by the regional chief. The following research questions are addressed in this paper: (1) what should be the division of responsibilities between the central government and local governments? (2) How urgent is establishing a regional regulation on Lampung's regional government affairs? This paper aims to explain why a regional regulation is needed to address the problem and engage the government and the community in the relations of central and regional government in Lampung Province. In the following section, we will explain the practice of the divisions of Regional Government Affairs in Lampung Province, as well as the urgency of establishing regional regulations for these matters. To collect data for this paper, we used a qualitative method based on the collection of documents.\textsuperscript{19} Our primary data sources are books, journal articles, national law, and government documents. The data was analysed by using a theoretical framework to answer the problems mentioned above.

II. Analysis and Discussion

A. Division of Regional Government Affairs in Implementing Regional Government Affairs of Lampung Province

Indonesia is a republic with a unitary government. According to Muljadi (2005), a unitary state has all powers vested in the central government (centralisation), which means that all government affairs are handled by the state/central government. In a unitary state, there is only one constitution/constitution, that of the central government, and the central government has

\textsuperscript{18} Ibid., 174.
complete power/authority over all governmental affairs. The concept of decentralisation emerged for government administration and community services to be effective and efficient, eventually giving rise to regional autonomy. The Republic of Indonesia's unitary state is a decentralised system characterised by delegating powers from the central government to local governments to regulate and manage government affairs.

Delegated matters are accompanied by funding sources, the transfer of facilities and infrastructure, and staffing in accordance with the decentralised matters. Government affairs delegated to the governor, on the other hand, are accompanied by funding consistent with decentralised affairs. According to Hasrul (2017), the implementation of government affairs through autonomous regions gives the regions the power to regulate and manage their own budget affairs through devolution, decentralisation, or joint management.

The pattern of decentralised governmental regulation is essentially based on the division of powers (authority) to manage and regulate these affairs. It also includes the delegation of authority to local governments and the amount of authority delegated to the regions in the administration and regulation of regional government affairs. In other words, the way government affairs are regulated under the decentralisation concept is derived from the 1945 Constitution's relations between the centre and the regions. It is not interpreted as symmetrical (uniform), but rather as asymmetrical, depending on regional characteristics and regional potentials (specifications) in Indonesia.

Even though the Legislative Assembly of the Regional People is legally integrated into the government, the Council of Regional People's Representatives retains control over the regional government. In theory, the control function reflects the local people's sovereignty to express their preferences for government policy, whether through monitoring government work or approving the regional regulation drafts. The only control is exercised based on the majority of the people's will as expressed by the representatives, which binds the government and the people (the regional people) as a whole. According to Sudarsono, JJ. Rousseau stated that the people give the state power.

Examining Rousseau's theory, it is clear that the Lampung Provincial House of Representatives reflects people's sovereignty by approving or rejecting the regional regulation

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draft on the affairs of the Lampung Provincial Regional Government, even though the Regional People’s Representative Council (Dewan Perwakilan Rakyat Daerah – DPRD) is considered part of the regional government under positive law. If we look closely, we can see that the regional people’s representative council has a stronger position in the formation of a regional regulation than the regional chief because even if they do not approve, the draft is valid as a regional regulation as long as the Regional People’s Representative Council approves.

The relevant principles in the context of the Republic of Indonesia’s unitary state are the principles of decentralisation and co-management (medebewind). According to Amrah Muslimin, the principle of decentralisation results in three types: political decentralisation, functional decentralisation, and cultural decentralisation. First, political decentralisation is the delegation of authority to democratically elected regional political bodies to manage government affairs as their budgetary affairs. Second, functional decentralisation is delegating rights and powers to specific functional groups in regions to manage their interests, such as irrigation system management groups. Third, cultural decentralisation entails granting minority groups the authority to manage their cultural affairs. Muslimin also mentioned the principle of devolution, which is the delegation of some of the central government’s powers to local officials who manage the central government’s affairs in the regions. The principle of co-administration states that the central government or the superior regional government delegates authority to subordinate governments to manage the central government’s/superior local government’s affairs independently at the expense of the mandating party.

We have argued that the Law on Local Government, whether it is no longer in force or is currently in force (Law Number 23 of 2014), is interpreted as a concept of transferring part of the central government’s affairs to the regional government, which consists of the regional head and the regional people’s representative council. Both are democratically elected by the people of the region. Concurrent matters are divided between the central government and the local governments under Law Number 23 of 2014. In this regard, we emphasise in this article that, as indicated in the Annex of Law Number 23 of 2014, the main issues that will be regulated later in the Regional Regulation Draft on Lampung Provincial Government Affairs are concurrent affairs.

Since Law Number 23 of 2014 also establishes the principle of co-management that should be regulated in the regional regulation draft. However, because nearly all government regulations implementing various articles of the Law on Assignment/Cession of Affairs have yet to be published, the regional regulation draft will outline the existence of co-administration.

26 Ibid., p. 18.
27 Ibid.
The third and fourth paragraphs of the preamble to the Republic of Indonesia's 1945 Constitution provide insight into the relationship between the central government and the regions. The third paragraph contains the Indonesian nation's declaration of independence. According to the fourth paragraph, following the declaration of independence, the first thing to be formed is the Government of the State of Indonesia (referred to as the National Government in Bahasa Indonesia), which is responsible for the regulation and administration of the Indonesian nation. It is further stated that the Government of Indonesia must protect the entire nation and the homeland of Indonesia, promote public welfare and educate the nation's life, as well as participate in maintaining world order based on independence, perpetual regional regulations and social justice. It goes on to say that the Indonesian government must protect the entire country and its homeland, promote public welfare and education, and contribute in maintaining a world order based on independence, durable regional arrangements, and social justice.

Furthermore, Article 1 of the Republic of Indonesia’s 1945 Constitution states that the State of Indonesia is a unitary republic. As a unitary state, the logical consequence is forming the State of Indonesia's government as a national government for the first time. Then the national government will form a region in accordance with the provisions of the legislation. The 1945 Constitution of the Republic of Indonesia stated in Article 18, paragraph (2) and paragraph (5) that regional governments are empowered to regulate and administer their governmental affairs following the principles of autonomy and co-government and that they shall be granted the greatest possible autonomy. Articles 18, 18A, and 18B govern the structure of regional autonomy in Indonesia, divided into three groups.28 Meanwhile, Article 18 consists of 7 paragraphs, each of which has the following main contents:

1. The state is divided into provinces. Provinces are divided into districts/cities and each of which has a regional government which is regulated by law.
2. Provinces, regencies/municipalities regulate and manage their government affairs based on the principles of autonomy and co-administration.
3. Each region has a Regional People’s Representative Council formed through general elections.
4. Governors, Regents/Mayors as regional heads are democratically elected.
5. Local governments exercise the widest possible autonomy.
6. Regional governments have the right to stipulate Regional Regulations and other

Regional Regulations to carry out autonomy and assistance tasks.

7. Structure and procedures for running the government area are regulated in the Act.

Articles (1) and (7) are significant because they establish the transfer of regulations to the law to further regulate the affairs of regional governments, including the types of government affairs that are transferred and assigned to the regions to be used or administered as a regional authority's own business. Furthermore, Article 18A states that the jurisdictional and financial relationships between the central government and regional governments must be governed by law, taking into account the uniqueness and diversity of the regions. While Article 18B states that the state recognise and respects the existence of special or regional special governments, customary law communities, and their traditional rights while they are still alive, taking into account the evolution of time and the principles of the Republic of Indonesia's unitary state.

The unitary state principle dictates that regions have as much autonomy as possible. In a unitary state, only the national government has sovereignty; there is no sovereignty over the regions. As a result, regardless of the degree of autonomy granted to the regions, the central government retains ultimate responsibility for regional government administration. As a result, in a unitary state, the regional government is an extension of the national government. As a result, the regional policies adopted and implemented are an integral part of national policy. The distinction is in how wisdom, potential, innovation, and competitiveness are applied.

Other possible outcomes of competence distribution include accelerating common good achievement through service improvement, empowerment, and community participation. Furthermore, it is expected that regions will be able to increase their competitiveness through broad autonomy in the strategic environment of globalisation by considering the principles of democracy, equality, justice, privilege, and specificity, as well as the potential and diversity of regions in the system of the unitary state of the Republic of Indonesia. Regional development is the estuary of all of this.

Furthermore, as an autonomous legal community, the region has the authority to regulate and manage its region following its citizens' wishes and interests, as long as this does not conflict with the national legal system or the public interest. To give regions more leeway in regulating and managing their citizens' lives, the government must consider local wisdom when making policy and vice versa. When making regional policy in the form of regional regulations and other policies, the government must also consider national interests. Nugraha (2021) argued that in the administration of government as a whole, a balance should be struck between synergistic national interests and consideration of conditions, idiosyncrasies, and local
According to the preamble of the Indonesian Constitution, the regional government aims to accelerate the realisation of the common good by improving services, strengthening ownership and community participation, and increasing regional competitiveness while taking into account the principles of democracy, equality, justice, and the uniqueness of a region in the system of the unitary state of the Republic of Indonesia. Similarly, the efficiency and effectiveness of regional government administration in the unitary state administration system must be improved by paying more attention to aspects of relations between the central government and the regions, as well as between the regions, regional potential and diversity, and the opportunities and challenges of global competition.

The concept of vertical separation of powers, based on the principle of decentralisation, resulted in the formation of an autonomous regional government. This separation of powers is, of course, the foundation for relations between the central government and the regional governments. With the exception of government business, which is government business, regional governments carry out government business under their jurisdiction. In carrying out the governmental affairs that are the responsibility of the Region, the Regional Governments exercise the greatest possible autonomy to regulate and manage their own governmental affairs in accordance with the principles of autonomy and co-management. According to Aridhayandi (2018), the state administrative authority or the official who is given the power to exercise government can be considered from the standpoint of the procedure and content of the granting of power, which is based on three main foundations, namely (1) the rule of law principle, (2) the principle of democracy, and (3) the instrumental principles.

As highlighted by Ode and Muhamad (2021), the jurisdictional relationship regulated by Law Number 23 of 2014 between the central government and regional governments does not reflect comprehensive autonomy, as the relationship between the central government and regional governments remains predominantly vertical. The provinces and regency/municipal regions divide concurrent government affairs differently depending on the size or scope of government affairs. Although the province and the regency/municipal regions have their own government affairs that are not hierarchical, there is still a relationship between the central government, the provincial regions, and the regency/municipal regions in their implementation.

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by referring to the central government's standard procedures and criteria norms.

Regional authorities/issues are specified and defined in the law for them to be formed. In this case, according to Ari Dwipayana, as cited by Suryanto (2015), the first model is known as the ultra vires model. The central government, provinces, and regional districts/cities all have the same powers but with different characteristics and shares. This model frequently has power and responsibility overlap between levels of government, resulting in an inverted pyramid. Furthermore, there is frequently overlap and delay as a result of conflicts of interest or duty evasion (positive and negative jurisdiction). The other model is known as Rieel's Domestic Doctrine Riele Huishoudingsleer, and it is based on real factors to achieve harmony between the region's duties and capabilities/strengths.³²

Indonesian law includes provisions for general government affairs in addition to absolute and concurrent government affairs. General government affairs fall under the authority of the President as the head of the central government and concern the preservation of Pancasila ideology, the 1945 Constitution, Bhinneka Tunggal Ika, ensuring harmonious relations based on ethnicity, religion, race, and between groups as pillars of national and state life, and promoting democratic life. The President delegates authority to the Governor as head of the provincial government and the Regent/Mayor as head of the regency/municipal administration to carry out general government affairs in the regions. The Regional Government Law amendments are intended to help ensure that the implementation of regional administration for the benefit of the community results in greater benefits and results, both by improving public services and increasing regional competitiveness. This amendment seeks to promote synergies between regional and central government administrations in various areas.

Positive regulations are established through Law Number 23 of 2014 on Regional Administration, beginning with the mapping of government affairs, which become the priority of the regions in the implementation of maximum autonomy. We believe this regulation will foster collaboration between ministries and non-ministerial government agencies in regional government affairs. As each ministry/non-ministerial government agency knows who the stakeholders of the ministry/non-ministerial government agency at the national level are in the provinces and districts/cities, the synergy for government affairs will create institutional synergy between the central and regional governments. We contend that collaborating government affairs and institutions will benefit development planning between ministries/non-ministries and regions to achieve national goals. Another advantage is the targeted distribution of assistance

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from ministries and non-ministerial government institutions to regions, which are the primary actors in accelerating national goals.

We agreed that the presence of a clear and firm mechanism for guidance, monitoring, empowerment, and sanctions is the final step in strengthening regional autonomy. The presence of guidance and oversight in law enforcement necessitates the establishment of clear terms of reference for guidance and oversight. The synergy between general and technical guidance and supervision will strengthen regional government management.

B. The urgency for the Establishment of Lampung Provincial Regulations concerning Regional Government Affairs

In this section, we will explain why Lampung Province needs to establish a regional regulation for its regional government affairs. We have argued that the Lampung provincial government needs to establish such a regulation for at least three reasons: philosophical, sociological, and legal.

1. Philosophical Aspects

The principle of decentralisation serves as the foundation for dividing governmental responsibilities among local governments. This principle establishes autonomy rights for regions to manage government affairs handed over or transferred from the central government to regional governments. According to Soejito (1981), the principle of decentralisation and the right to autonomy has profound philosophical implications because they bring government activities closer to the community, allowing people to participate directly in government and development activities. Furthermore, decentralisation can prevent the arbitrary influence of excessive central power on the regions.33 We agree with the statement that the goal of decentralisation and regional autonomy is to accelerate the achievement of people's welfare, which is the ultimate goal of the State's establishment.

Thus, the details of the central government's delegation and allocation of government affairs to the provinces to be managed effectively and efficiently can be interpreted as one of the efforts to accelerate the achievement of the welfare of all community members. The funds are based on the values of Pancasila philosophy, namely, the welfare blessed by God Almighty, the ability to enhance human dignity in Lampung Province, and non-discrimination to ensure the unity and integrity of the people in Lampung Province, as well as the local government's activities in building prosperity. Another pillar is the principle of law-based democracy. It allows the people to participate in government directly or through their representatives in the Regional

People's Representative Council. As a result, the draft of new regional regulation is based on these values, also known as Pancasila's philosophical values.

2. Sociological Aspects

The detailed formulation of concurrent matters in the Annex to Law Number 23 of 2014 will provide a more comprehensive knowledge of what the province can handle. When combined with the possibility of the central and provincial governments assigning certain matters to the province, this naturally creates optimal completeness of the subtypes of matters that fall under the province's jurisdiction (in this case, Lampung Province). The more comprehensive and complete the administration of Lampung Province's affairs can be interpreted, the greater the people's hope and optimism for a speedy fulfilment of their welfare. As a result, it is deemed necessary to establish regional regulations for the affairs, which should ideally be capable of describing more specific details of the affairs.

3. Legal Aspects

We used Kelsen's theory of norm levelling (the tiered structure of law order) to explain the legal aspects. According to Kelsen, a legal norm is valid because it results from another, higher legal norm, which is referred to as a "superior" relationship and "subordination." This is to ensure that Lampung Provincial Regulations relating to matters under Lampung Province's jurisdiction do not contradict higher regulations such as national laws and government regulation. According to this theory, lower laws and regulations must not conflict with higher laws and regulations. If they conflict, the higher laws and regulations take precedence over the lower laws and regulations (lex superior derogat lex inferior), rendering them invalid or unenforceable. To support this claim, Jeremy Bentham stated that the purpose of law is to create the greatest happiness for the greatest number (the greatest happiness for the freest number), implying that law must be able to benefit society. J. Schrassert, Bellefroid, and V. Apelldoorn, on the other hand, stated that the primary purpose of the law is justice (justitia) and utility. As the result to provide the maximum benefit to the community.

Since the repeal of Law Number 32 of 2004 by Law Number 23 of 2014, there has been a legal vacuum due to the provisions of Article 409. (b). It is necessary to reaffirm the legal vacuum, which is associated with the need to analyse the legal basis, in this section. We have argued that regional regulation must be created following the theory of legal regulations. This is the reason for the lack of legal standards in the Lampung Provincial Government's

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36Sudarsono, op.cit., p. 102.
We finally discovered comprehensible reasons for the immediate establishment of regional regulations regarding the affairs under the authority of Lampung Province, which will begin by preparing academic papers and formulating the draft of the regional regulations. At least three reasons why such a law would be unsustainable in the long run. First, there will be legal uncertainty among Lampung Province's local administrators, which may harm the community. Second, there will be legal uncertainty among the public regarding the community's rights and obligations in participating in the management of government affairs. Third, there is uncertainty about the specifics of the content of the affairs, the matters that can be used as co-government affairs, and the institutions that can perform co-government affairs, all of which are new under Law Number 23 of 2014 on Regional Government.

III. Conclusion

To summarise, the philosophical goal of human life is to achieve the highest level of well-being and inner and outer happiness. The state plays a role in accelerating citizens' attainment of well-being and happiness. To educate the nation and promote the welfare of its citizens, the unitary state of Indonesia forms a central government and a regional government. The existence of various state affairs is then decided by the central government. Some government affairs are delegated to local governments to manage as budget matters. In this regard, the government, in collaboration with the People's Legislative Assembly, enacted Law Number 23 of 2014 on Regional Government, which governs the nature, submission, and allocation of government affairs to the regions.

A new regional regulation on government affairs must be issued immediately to improve the operation of local government and ensure legal certainty in Lampung Province. The primary source is Law Number 23 of 2014 on Regional Government. We proposed that academic manuscripts must be prepared with the intention of serving as directions, guidelines, and scientific justification for the development of the regional regulation drafts on government affairs. Simultaneously, the Lampung provincial government's means were based on three fundamental reasons for drafting regional regulations: philosophical, sociological, and legal.
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