



Harmonizing and Synchronizing National Development Policy with Local Regulation in Local Autonomy Frame Problematics

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Article's Information	Abstract
<i>Harmonization and Synchronization, Regional Regulation, Investment Policy</i>	<i>This research purposes are to examine about the Harmonizations Problematics and Synchronization Between National Development Policy with Local Regulation in Local Autonomy Frame. Local Autonomy uses Regional Authority in managing the region based on their own local condition, which are regulated in the regional regulation. However, the needs to harmonizes the investment regulation with the Job Creation Law's enactment, creates problematics towards existed regional regulations like Regional Regulations about RT/RW and Living Environment. The issues discussed on this research is about How are the Problematics of Harmonization and Synchronization Between National Development Policy with Local Regulation in Local Autonomy Frame. This research uses normative method, approached with statute approach, and analyzed with analysis of content.</i>

A. Introduction

The government's proposed national development program is a concrete form of its efforts to achieve public welfare, one of which is the launch of national development programs, or National Strategic Projects, focused on infrastructure. This policy will be implemented throughout Indonesia.¹ Infrastructure has a crucial role as a driver of development and economic growth.² The existence of

¹ Mahadiansar, Mahadiansar, et al. "Paradigma pengembangan model pembangunan nasional Di Indonesia." Jurnal Ilmu Administrasi: Media Pengembangan Ilmu Dan Praktek Administrasi 17.1 (2020): 77-92.

² Ali, Mohammad. Pendidikan untuk pembangunan nasional: menuju bangsa Indonesia yang mandiri dan berdaya saing tinggi. Grasindo, 2009. 23

appropriate facilities and infrastructure is essential to the public service system.³ Infrastructure projects, as national strategic initiatives, require significant human and financial resources. Furthermore, they involve large and expansive areas. This requires sound management, implementation, and deployment of infrastructure to effectively minimise negative factors.⁴

Infrastructure development aims to fulfil the fundamental, socio-economic, and social rights of citizens, without neglecting other important rights.⁵ This calls for vigilance in implementing resource development. One way to achieve this is to consistently adhere to international standards and human rights principles, so that efforts to understand, protect, and respect citizens' fundamental rights can proceed effectively and ensure that no party is disadvantaged in infrastructure development.⁶ These provisions are specified in Regulation of Government Number 42 of 2021 about the National Strategic Projects's facilitation. Implementation of National Strategic Projects is a continuous effort to realise a justical and prosperous government in accordance with Pancasila and the Republic of Indonesia's 1945 Constitution. This includes emphasising physical and mental progress, which plays a role that is so vital in increasing nation's wealth through regional infrastructure development, as well as carrying out supporting tasks across various development sectors.⁷ National Strategic Projects support the growth and development of various products and services, create job opportunities for the wider community, and facilitate increased national wealth and prosperity. Completing National Strategic Projects presents unique challenges, particularly overlapping rules on both legislative and regional levels. Institutional issues remain a significant obstacle, alongside fiscal, infrastructure, and human resources. This issue will likely face public opposition because it disrupts Indonesia's diverse legal system. Therefore, legal regulations are needed to harmonise investment policies for infrastructure development with other regulations.⁸ Based on the explanation above, the research method used is a normative approach,⁹ A statutory approach is used to harmonise and synchronise national development policies with regional regulations in the regional autonomy context.

A. Literature Review

1. The Concept of National Development

The government take National development as a step or policy to meet the broader community needs in accordance with the 1945 Constitution.¹⁰ Thus, every policy or legal product must comply with other regulations and rules. Republic of Indonesia is a country built by law, or in other words, Indonesia is a law country, as how Article 1 paragraph (3) of 1945 Constitution stated, that Indonesia

³ Siregar, Ratonggi. "Sumber daya manusia dalam pembangunan nasional." Pros. Semin. Nas. Tah. Fak. Ilmu Sos. Univ. Negeri Meda 1 (2017): 378-381.

⁴ Yorisca, Yenny. "Pembangunan Hukum Yang Berkelanjutan: Langkah Penjaminan Hukum Dalam Mencapai Pembangunan Nasional Yang Berkelanjutan." Jurnal Legislasi Indonesia 17.1 (2020): 98-111.

⁵ Sukwika, Tatan. "Peran pembangunan infrastruktur terhadap ketimpangan ekonomi antarwilayah di Indonesia." Jurnal Wilayah dan Lingkungan 6.2 (2018): 115-130.

⁶ Ervianto, Wulfram I. "Tantangan pembangunan infrastruktur dalam proyek strategis nasional indonesia." Simposium II UNIID 2017 2.1 (2017): 98-103.

⁷ Suriani, Suriani, and Cut Nanda Keusuma. "Pengaruh Pembangunan Infrastruktur Dasar Terhadap Pertumbuhan Ekonomi Di Indonesia." ECOsains: Jurnal ilmiah ekonomi dan pembangunan 4.1 (2015): 1-18.

⁸ Abdulkadir Muhammad, *Hukum dan penelitian Hukum*, (Bandung :Citra Aditya Bakti, 2004), 32

⁹ Soetrisno, *Metodologi Research*, (Yogyakarta, UGM, 1978), 49.

¹⁰ Iskandar, A. Halim. SDGs desa: percepatan pencapaian tujuan pembangunan nasional berkelanjutan. Yayasan Pustaka Obor Indonesia, 2020. 34

is a country of law, so the Republic of Indonesia is not run solely based on government power.¹¹ In a state that based on the rule of law, all state apparatus can operate only when its not crossing over the established regulations and laws to prevent abuse of power. Every action taken by the government and state apparatus in carrying out governance must be based on law. The administration of government must also made based on laws and regulations to protect the fundamental rights and provide services for the people. On the other hand, the rules or regulations that serve as the fundament on carrying out the duties or functions of those government are made by their own organs or institutions itself, so their makers must give this serious attention to ensure they truly accommodate the people's interests. Regulations formulated to ensure the smooth running of government must be compiled in accordance with Pancasila and the 1945 Constitution of the Republic of Indonesia, and compiled from the central to the regional levels in accordance with their hierarchy.¹²

Therefore, national development regulations, particularly in the infrastructure sector, need to be aligned with other policies and regulations. Infrastructure is a crucial element in successfully accelerating national development, particularly in the economic sector, to realize a developed and democratic Indonesia.¹³ Infrastructure development can improve income distribution, thereby reducing poverty. Granted authority given to local governments are the right for them to manage their territories in accordance with local conditions with the regional autonomy rights' frameworks. Sudden intervention or harmonisation from the central government is considered inappropriate and violates the principles of governance.¹⁴

2. Concept of Local or Regional Autonomy and Legal Force of Regional Regulations

Autonomy, in the narrow meaning, could be defined as "independence." Meanwhile, an even more general meaning defined it as having the ability. Thus, regional autonomy refers to a region's ability to be independent. in the process of making and taking decisions regarding the region's interests. If the region has succeeded in. obtaining conditions that are in accordance with what is needed, it can be said that the region is empowered (having the capability) to carry out everything independently, free from pressure and coercion from external parties, and of course, it shouldn't be contradicts with the needs and conditions of the region.¹⁵ Regional autonomy is the autonomous regions' authority to manage or regulate the local communities' interests, acting on self initiative and in accordance with community aspirations and statutory regulations.¹⁶

¹¹ Gunawan, Hendra. "Eksistensi Hukum Islam Di Indonesia Dalam Pembangunan Nasional." *Yurisprudencia: Jurnal Hukum Ekonomi* 4.1 (2018): 108-131.

¹² Alhusain, Achmad Sani, Ariesy Tri Mauleny, and Nidya Waras Sayekti. *Kebijakan dan strategi peningkatan pendapatan asli daerah dalam pembangunan nasional*. Yayasan Pustaka Obor Indonesia, 2018. 35

¹³ Nobel, Alfred, and Nabila Putri Larasati. "Inovasi pembiayaan tanah untuk proyek jalan tol yang termasuk dalam proyek strategis nasional dengan mempergunakan mekanisme dana talangan." *Jurnal HPJI (Himpunan Pengembangan Jalan Indonesia)* 3.2 (2017). 12-23

¹⁴ Sujadi, Suparjo. "Kajian tentang pembangunan proyek strategis nasional (PSN) dan Keadilan Sosial (Perspektif Hukum Pancasila)." *Jurnal Hukum Lingkungan Indonesia* 4.2 (2018): 1-24.

¹⁵ Haris, Syamsuddin. *Desentralisasi dan otonomi daerah: desentralisasi, demokratisasi & akuntabilitas pemerintahan daerah*. Yayasan Obor Indonesia, 2005. 24-34

¹⁶ Muin, Fatkhul. "Otonomi daerah dalam perspektif pembagian urusan pemerintah-pemerintah daerah dan keuangan daerah." *Fiat Justisia* 8.1 (2014): 69-79.

Autonomous region is a legal entity with specific territorial boundaries, authorised to regulate and manage local community interests on its own initiative, in accordance with community aspirations within the framework of the Unitary State of the Republic of Indonesia. 18'th Article, paragraph (2) of 1945 Constitution of the Republic of Indonesia stated that provincial, district, and city governments regulate and manage their own government affairs based on the principles of assistance and autonomy tasks. Furthermore, paragraph (5) states that regional governments have the right on maximum autonomy, as long as law doesn't state it as central government affairs. Moreover, paragraph (6) states that regional governments have rights to build regional regulations and other regulations that implementing autonomy and assistance tasks.

Referring to Article 18 paragraphs (2), (5), and (6), regional governments have the right to implement governance based on the regional autonomy and assistance tasks principles. Law Number 23 of 2014 about Regional Government states that Regional Autonomy is the authority, right, and obligation of autonomous regions to independently manage and regulate government affairs and the local communities' interests within the framework of the Unitary State of the Republic of Indonesia. Furthermore, the principle of autonomy is the primary basis for the implementation of Regional Government based on Regional Autonomy. Referring to what regulated in Article 12 of the Regional Government Law, Assistance tasks refer to when autonomous regions got some assignments from Central Government to carry some parts of the government tasks that are actually the authority of the Central Government or from the Provincial Government to district/city regions to carry the part of the government affairs that are the authority of the provincial region.¹⁷

Bagir Manan argues that autonomy and assistance tasks are forms of decentralisation. Assistance tasks are elements of decentralisation, and there is no fundamental difference between autonomy and assistance tasks.¹⁸ Both autonomy and supporting tasks have the same elements of independence and freedom. The differences exist only in the degree of both. Autonomy, freedom, and independence fully encompass both the principles and methods of implementation. In assisted tasks, freedom and independence are limited only to the methods of implementation. Because both have elements of autonomy, the difference lies in the degree of independence and freedom, so there is no fundamental difference between autonomy and assisted tasks.¹⁹ Granting the regions maximum autonomy designed to accelerate the achievement of community welfare by service improvement, empowering communities, last, fostering the participation of the community.²⁰

Furthermore, with broad autonomy, regions's competitiveness are expected to increase by adhering to the democracy, justice, balance, privileges and uniqueness principles, as well as the potential of regions and diversity inside the Unitary State of the Republic of Indonesia. Granting the broadest possible autonomy to regions is based on the unitary state principle. Within a unitary state,

¹⁷ Nadir, Sakinah. "Otonomi daerah dan desentralisasi Desa: Menuju pemberdayaan masyarakat desa." *Jurnal Politik Profetik* 1.1 (2013). 57-59

¹⁸ Manan, Bagir. "Kontrol Terhadap Dewan Perwakilan Rakyat Daerah dalam Pelaksanaan Otonomi Daerah." *MIMBAR: Jurnal Sosial dan Pembangunan* 16.3 (2000): 198-204.

¹⁹ Pratama, Surya Mukti, and Hario Danang Pambudhi. "Kedudukan, Fungsi, dan Pengawasan Peraturan Kebijakan Kepala Daerah dalam Kerangka Sistem Otonomi Daerah." *Jurnal Analisis Hukum* 4.1 (2021): 120-130.

²⁰ Suharjono, Muhammad. "Pembentukan Peraturan Daerah Yang Responsif Dalam Mendukung Otonomi Daerah." *DiH: Jurnal Ilmu Hukum* 10.19 (2014): 21-37.

sovereignty rests solely with the national government, while regions lack sovereignty. Therefore, regardless of the autonomy granted to regions extension, final responsibility for implementing regional governance remains with the central government. Therefore, regional governments within a unitary state are integral to the national government. Accordingly, policies implemented and formulated by regions constitute a crucial national policies component. How they utilise wisdom, potential, innovation, competitiveness, and creativity of their region to achieve national goals at the local level is where the difference exists, thus will support the achievement of national goals as a whole.

Based on this explanation, regional governments have rights and authorities in accordance with matters regulated by law, taking into account regional conditions, particularly in the areas of the environment, public works, and spatial planning, which are regulated by regions in accordance with local population circumstances. Rapid population growth, demand for community development (roads, social buildings), and the industrial, tourism, trade, agricultural, housing, and plantation sectors development, if not appropriately managed, can lead to problems in the utilisation and exploitation of the resources in nature. In this case, the government is responsible for regulating the provision of these needs for the community.²¹ In this context, the state needs to implement the principles of a welfare state. This also applies to how government manages and regulates the use of natural resources on land, in the air, and at sea, while always taking notes on the diverse aspirations, needs, and the community demands to achieve the primary goal of public welfare.²²

In this situation, the protection and regulation of specific regional functions require the development of land-use planning or policies, such as city master plans. Policies are efforts that contain ideas, such as direction and guidance for development implementation, to reduce the impact of problems arising from development. The issue of spatial regulation and use is increasingly complex, given the growing demands that exceed the limited availability of land and natural resources. Human characteristics that always strive to increase power and wealth, as well as the existence of individuals who use any means to facilitate personal or group interests without regard for the environment and its sustainability, make the goal of utilizing space for sustainable community welfare difficult to realize in the field. Therefore, to realize a spatial planning concept that achieves prosperity while preserving the environment, careful planning is needed to accommodate both equally important goals.

B. Discussion

1. National Development Policy (National Strategic Projects)

As part of the national development planning framework, national strategic projects implement the 2015 to 2019 Medium-Term National Development Plan (RPJMN), the third phase of the 2005 to 2025 Long-Term National Development Plan (RPJPN), established by Law No. 17 of 2007. Based on the Preamble to the 1945 Constitution of the Republic of Indonesia which stated the objectives of the establishment and Law No. 17 of 2007 about Long-Term Development Plan (RPJP), the 2015 to 2019 RPJMN also embodies the Mission, Vision, and Agenda (Nawa Cita) Joko Widodo as the President and Muhammad Jusuf Kalla as the Vice President. The 2015 to 2019 RPJMN, established by

²¹ Syawawi, Reza. "Diskresi Dan Potensi Korupsi Dalam Penyelesaian Masalah Hukum Terkait Percepatan Pelaksanaan Proyek Strategis Nasional (Analisis Terhadap Peraturan Presiden Nomor 3 Tahun 2016 Dan Instruksi Presiden Nomor 1 Tahun 2016)." *Jurnal Legislasi Indonesia* 18.3 (2021): 419-435.

²² Widyaningrum, Tuti. "Kritik Dekonstruksi Hukum Terhadap Percepatan Proyek Strategis Nasional." *Jurnal Hukum Staatrechts* 2.1 (2019): 1-12.

Bappenas, adopts the Technocratic Design and refers to the 2005-2025 RPJPN. The 2015-2019 RPJMN serves as a guideline to the achievement of the President's vision and mission's insurance, as well as to maintain the consistency of national development direction in accordance with objectives that set forth in the 1945 Constitution and 2005-2025 RPJPN.²³

To accelerate the implementation of strategic projects to improve community welfare and meet basic needs, the government considers it necessary to expedite the execution of National Strategic Projects.²⁴ In connection with this policy, President Joko Widodo enacted President Regulation (Perpres) Number 3 of 2016 about the Acceleration of the National Strategic Projects on January 8, 2016 Implementation. This Presidential Regulation states that National Strategic Projects are projects implemented by the Government, Regional Governments, and/or companies that are strategic in nature, intended to encourage growth and equitable development to improve community welfare and regional development.²⁵

Governors, regents/mayors and Ministers/heads of institutions, issue permits and non-permits required for the implementation of National Strategic Projects in accordance with their authority under Article 3 of Presidential Regulation Number 3 of 2016. As the Person in Charge of National Strategic Projects, the Minister or head of institution, submits the permits or non-permits required to commence the National Strategic Projects implementation upon the enactment of the Presidential Regulation. The permits and non-permits required to commence the implementation of the National Strategic Projects in question are: a. Environmental Permit; b. Location Determination; c. Building Construction Permit; and/or d. Forest Area Use Borrowing Permit²⁶

The same provisions apply to the regent/mayor or Governor as the Person in Charge of National Strategic Projects in the region to provide the necessary permits and non-permits to commence the National Strategic Projects implementation in accordance with their authority since the enactment of the Presidential Regulation. Meanwhile, for when Business Entities is the Person in Charge of National Strategic Projects, based on 1st paragraph (1) Article 6 of the Presidential Regulation, submit a principle permit for the implementation of National Strategic Projects to the Head of the Investment Coordinating Board through the Central PTSP (One-Stop Integrated Service) which will issue the principle Permit as referred to, no later than 1 (one) working day since the application is received completely and correctly (Article 6 paragraph (2) of the Presidential Regulation). If the principal Permit has been granted, the Business Entity submits the completed permits and non-permits required to commence the implementation of National Strategic Projects to the Central PTSP, namely: a. Environmental Permit; b. Location Permit; c. Forest Area Borrow-Use Permit; d. Building Permit; and/or e. Fiscal and non-fiscal facilities. Based on the previous explanation, the central government's national policy regulations appear to obligate regional governments to implement them. This fails to

²³ Supandi, Supandi, and Nucke Widowati Kusumo Projo. "Dampak proyek strategis nasional (PSN) dalam mendongkrak ekonomi lokal." *FORUM EKONOMI*. Vol. 24. No. 4. 2022. 34-45

²⁴ Primadani, Lelita. "Tantangan dalam Pengelolaan Sistem Teknologi Informasi Proyek Strategis Nasional dan Proyek Infrastruktur Prioritas." *Konferensi Nasional Ilmu Administrasi 3.1* (2019). 10-20

²⁵ Herwin, Andi Deni, and Henry D. Hutagaol. "Intervensi Pemerintah terhadap Pajak dan Retribusi Daerah dalam Rangka Proyek Strategis Nasional." *Amsir Law Journal* 4.2 (2023): 126-142.

²⁶ Yurisa, Dr, and S. H. Yurisa Martanti. "Jurnal: Penyelesaian Masalah Hukum Terkait Penyalahgunaan Wewenang dalam Percepatan Pelaksanaan Proyek Strategis Nasional." *Jurnal Impresi Indonesia* 1.4 (2022): 450-459.

reconsider the principles of government affairs and regional autonomy. The central government should adapt policies previously implemented in the regions to suit local conditions. If so, public opposition to the development policies being implemented will be minimal.

2. Problems of Harmonizing and Synchronizing National Development Policies with Regional Regulation Within the Regional Autonomy Framework

Law Number 23 of 2014 about Regional Government regulated the implementation of government functions for the regions. Government affairs classified in absolute, concurrent, and general government affairs.²⁷ Absolute government affairs are government affairs that are being entirely under the authority of the central government (as referred to in paragraph (1)). Concurrent government affairs are those divided between the central government, provincial, and district/city governments.²⁸ These concurrent government affairs, delegated to the regions, form the basis for implementing regional autonomy. Concurrent government affairs under the authority of the regions consists of mandatory government affairs and optional government affairs. Mandatory government affairs consist of those related to basic services and those that are not related to basic services.²⁹ Mandatory government affairs related to basic services are those whose substance about basic services. Then, in Article 12, paragraph (1), the mandatory government tasks related to basic services are including health, education, public works and spatial planning; public housing and residential areas, public order, security and community protection; and social.³⁰

In addition, one of the authorities of regional governments is to carry out assistance tasks, which aim to provide the regional governments with a higher level or central government with the opportunity to request assistance from regional governments or regional governments at a lower level in carrying out tasks or interests that fall within the regional household affairs that require such assistance. Specifically for central affairs that require implementation in the region, through assistance tasks, their implementation can be delegated to the regional government.³¹ In fact, Regional Autonomy is granted as a legal entity that has the right to manage and regulate State activities transferred by the Central Government to the Regions and in its implementation is carried out by the DPRD and the Regional Head with support from the Regions—household appliances. The governmental duties assigned to the Regions are rooted in the President's governmental power. The unitary state consequence's is, the President holds primary authority for the government. If the implementation of government activities given to the Regions is carried out according to national policy, the President is obliged to provide

²⁷ Triputra, Yuli Asmara. "Harmonisasi Peraturan daerah Terhadap Peraturan Perundang-undangan Dalam Bingkai Negara Kesatuan Republik Indonesia." *Jurnal Lex Librum* 3.1 (2016): 417-428.

²⁸ Simatupang, Taufik H. "Peran Perancang Peraturan Perundang-Undangan Kantor Wilayah Kementerian Hukum Dan HAM Dalam Rangka Harmonisasi Peraturan Daerah." *Jurnal Ilmiah Kebijakan Hukum* 11.1 (2017): 12-25.

²⁹ Junaidi, Muhammad. "Reposisi Eksekutif Review Terhadap Peraturan Daerah dalam Kerangka Otonomi Daerah." *Halu Oleo Law Review* 1.1 (2017): 64-74.

³⁰ Taufiqurrahman, Muhammad. "Peran Perancang Peraturan Perundang-Undangan Kementerian Hukum dan Hak Asasi Manusia dalam Pengawasan Produk Hukum Daerah Melalui Executive Preview." *Soumatara Law Review* 2.2 (2019): 270-281.

³¹ Setiadi, Wicipto, and Ali Imran Nasution. "Sanksi Administratif Terhadap Kepala Daerah Yang Tidak Melaksanakan Program Strategis Nasional." *Jurnal Penelitian Hukum De Jure* 20.4 (2020): 473-486.

guidance and supervision for the implementation of regional government.³²

Local governments can also carry out regional autonomy and joint managements implementations to comply with legal provisions of the community in region, as well as to establish laws governing all government and community actions. Furthermore, autonomous regions's authority includes the right to manage and handle regional or local government affairs independently and autonomously by implementing regional regulations, such as district/city regulations, provincial regulations, regional head regulations, and enforcement standards. Although autonomous regions have the independence and freedom to manage and administer regional affairs through the regional regulation's formation, in accordance with the essence of autonomy — namely, the independent ability to regulate (regulation) and administer (besturen) — the creation of regional regulations must still be limited. The regulations and limitations of the regional authority in question serve as the basis for this authority to establish all regional regulations and agreements regarding the regional regulation's content.³³

In general, the limitations on the regional regulation's content are set by higher-level laws and by public interest. Regional regulations have to be in accordance with higher-level laws and regulations and/or the public interest. Regional regulations must have limitations on their content, namely that they may not include matters that are the responsibility of the central government. So, what if a region has issued a legal product in accordance with its authority, and then the central government issues a policy that is inconsistent with the regional regulation? Of course, based on the legal principle of *Lex superior derogat legi inferiori*, which later explains that if there is a conflict between higher and lower-level laws and both are regulations, the higher-level regulations must take precedence.³⁴ This principle is one of the principles in the hierarchy of legal regulations. Simply put, principle of *lex superior derogat legi inferiori* means that higher-level laws take precedence over lower-level laws.³⁵ So what about the provisions stipulated in the concept of regional autonomy? This is confusing and seems forced in its implementation. The regional regulations (*perda*) formation is a manifestation of authorities held by regional governments in the framework of autonomy and regional assistance tasks implementation, as well as to accommodate regional special conditions and/or to elaborate higher laws and regulations further. *Perda* is one tool for achieving social and democratic transformation, manifested in local communities that can respond to the rapid changes and challenges of the current autonomy and globalization era, and acknowledge local governance properly as part of sustainable development in the region.³⁶

So, what about the provisions stipulated in the concept of regional autonomy? This is confusing

³² Chandranegara, Ibnu Sina. "Bentuk-Bentuk Perampangan dan Harmonisasi Regulasi." *Jurnal Hukum Ius Quia Iustum* 26.3 (2019): 435-457.

³³ Maftuchan, Ah. "Pemenuhan HAM dan Pembangunan Infrastruktur: Kajian Regulasi Proyek Strategis Nasional di Indonesia." *Jurnal Hak Asasi Manusia* 14.14 (2018): 109-138.

³⁴ Telaumbanua, Dalinama. "Pembentukan Peraturan Daerah Kabupaten/Kota." *Jurnal Education and Development* 4.1 (2018): 96-96.

³⁵ Suharjono, Muhammad. "Pembentukan Peraturan Daerah Yang Responsif Dalam Mendukung Otonomi Daerah." *DiH: Jurnal Ilmu Hukum* 10.19 (2014): 21-37.

³⁶ Lasatu, Asri. "Urgensi Peraturan Daerah Tentang Program Pembentukan Peraturan Daerah Terhadap Kinerja DPRD." *Jurnal Ilmiah Kebijakan Hukum* 14.2 (2020): 201-222.

and seems forced in its implementation. The regional regulations (perda) formations are manifestation of the authority held by regional governments in the framework of autonomy implementation and regional assistance duty, as well as to accommodate special regional conditions and/or to further elaborate on higher laws and regulations. Perda is one tool for achieving social and democratic transformation, manifested in local communities that can respond to the rapid changes and challenges of the current era of autonomy and globalization, and realise good local governance as part of sustainable development in the region.³⁷

In the formation of legislation, the stages that must be passed by regulatory bodies to ensure that the legislation they produce meets formal requirements are well known. The planning stage is the initial step in the legislation formulating process. Still according to Article 1, paragraph 1, of Law No. 12 of 2011 concerning the Formation of Legislation. The formation of legislation is the elaboration of legislation, encompassing stages of design, discussion, drafting, stipulation or ratification, and promulgation.

About the formation of Regional Regulations, Article 239, paragraph (1), of the Regional Government Law states that the Regional Regulation Training Program/Regional Legislation Program is a planning tool for the formation of District/City or Provincial Regulations, prepared in a planned, systematic, and integrated manner. This clearly emphasizes that the mechanism for formulating regional norms begins in the planning stage, which is coordinated and based on established procedures, methods, norms, and standards that connect all agencies responsible for issuing legislation. This also emphasizes that the Regional Regulation/Prolegda Diklat (Regional Legislation Program) is not only a forum for regional legal policies, or a description of the legal material development plan (whatever the type of regulation) that will be made next year. In context of regional autonomy and assistance tasks implementation, and adapting to specific regional special conditions, it also serves as a tool that contains legal planning mechanisms, ensuring it always aligns with the objectives, underlying legal ideals, and is in accordance with the Directorate of Regional Development. In addition, the Regional Standard (Prolegda/Diklat) program is also essential, not only as a reference for regional governments and DPRD to formulate regional legal products in realizing regional development, but also important for the community to see the face of their region in a certain time period. Knowing the future (which can be predicted) are modern society needs nowadays. In the formation of legislation, the stages that must be passed by regulatory bodies to ensure that the legislation they produce meets formal requirements are well known. The planning stage is the initial stage in the process of formulating legislation. In accordance with Article 1, paragraph 1, of Law No. 12 of 2011 concerning the Formation of Legislation, the formation of legislation is the elaboration of legislation, encompassing the stages of design, drafting, discussion, ratification or stipulation, and promulgation.

Thus, the regional legislative program has significant implications for the regional legal products formation, in particular, and for regional development in general.

Based on this description, the drafting of regional regulations has been guided by regional conditions — philosophically, legally, and sociologically — and has incorporated legal policy into its

³⁷ Wedhitami, Bayangsari. "Upaya Perlindungan Ekspresi Budaya Tradisional Dengan Pembentukan Peraturan Daerah." *Law Reform* 9.2 (2014): 32-48.

formulation. The implementation of Law No. 11 of 2020 concerning Job Creation, as amended by Government Regulation in place of Law No. 2 of 2022 concerning Job Creation (Perpu Cipta Kerja), requires regulatory harmonization at the regional level. The Ministry of Home Affairs stated that many regional regulations (perda) and regional head regulations (perkada) are impacted by the Perpu Cipta Kerja. Therefore, regions are asked to make adjustments to implement the Perpu Cipta Kerja. The issuance of the Perpu Cipta Kerja is expected to increase investment in the regions. However, this regulation requires simplifying institutions and public services in the regions. Based on the Ministry of Home Affairs' identification, 860 provincial regulations and 870 gubernatorial regulations, along with their implementing regulations, are impacted by the Job Creation Law. In addition, 9,532 district/city regulations and 5,960 district/city mayoral regulations are affected.

In the regional autonomy context, the issuance about regulations related to Job Creation, particularly regarding national development projects, which conflict with and force the harmonization of regional regulations that have been formulated in accordance with empirical facts, constitutes a violation of the principle of autonomy and is a problem in itself. Analyzing the laws and regulations hierarchy, regional regulations are legal products that must comply with higher-level regulations. Therefore, the perspective of regional development should be seen through the lens of autonomy, focusing on what the region needs and what the regional government cannot do. This is more striking in the absence of coercion between the central and regional governments. This reflects synergy in development implementation. If the central government issues policies/regulations that conflict with regional regulatory provisions, this will result in rejection from the local community.

C. Conclusion

Based on presented explanation in the discussion above regarding the Problems of Harmonization and Synchronization of National Development Policy Against Regional Regulations Within the Regional Autonomy Framework, it can be concluded that, ideally, in the implementation of national development that makes regions as the object of development, it must be based on perspective of the principle of regional autonomy. This is because regional governments, in implementing their governance, especially in creating regional legal products that have been adjusted philosophically, juridically, and sociologically, and in developing legal policies tailored to the conditions of their respective regions. However, the national development perspective is based on regulations related to Job Creation, especially those governing national strategic projects, as seen in the laws and regulations hierarchy. In that case, regional regulations must limit their content to matters within the regional government's purview; they may not include matters that are the responsibility of the central government. Of course, based on the legal principal of *Lex superior derogat legi inferiori*, which holds that if there is a conflict between higher and lower laws and regulations, the higher one must take precedence. Then what if a region that has issued a legal product in accordance with its authority, then issues a policy inconsistent with the regional regulation? This will create a unique challenge in the implementation of regional development. Therefore, regional development should ideally be viewed from an autonomous perspective, focusing on regional needs and what cannot be achieved by the regional government. This would generate a clearer impression of coercion between the regional and central governments. This demonstrates synergy in development implementation. If central government policies/regulations violate regional regulations, this will likely draw opposition from local communities.

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