DIVISION OF LAND SERVICES BASED ON LOCAL GOVERNMENT AUTHORITY[Ω]

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Abstract

After the issuance of Law Number 23 Year 2014 jo. Law Number 9 Year 2015 on Regional Government, the affairs of local government in the field of land services, especially agriculture and plantations have shifted the authority of regulation which is different from the regulation in Law Number 32 Year 2004. The presence of the regional autonomy-based regulation had established the land agency in the provinces, districts/municipalities which were given authority to hold land affairs. Land affairs was originally the authority of the National Land Agency. These developments cause pro-blems including overlapping authority. If the conflict is not well regulated, in legal perspective, it will emerge the problem of legal uncertainty while in management perspective, it causes inefficiency. Due to the shifting of this land affairs basis, it is necessary to harmonize the land affairs related to regional autonomy so that the authority overlapping is not done simultaneously between the central government and local government. The method used in this research is statute, conceptual and case approach. The research concluded to propose a model of improving land services in agricul-ture and plantation sectors between central and local government.

Keywords: conflict of authority, land service, local government.

Abstrak

Pasca terbitnya Undang-undang Nomor 23 Tahun 2014 *jo.* Undang-undang Nomor 9 Tahun 2015 tentang Pemerintahan Daerah, urusan pemerintah daerah dalam bidang pelayanan pertanahan khususnya pertanian dan perkebunan mengalami pergeseran kewenangan mengatur, yang berbeda dengan pengaturan dalam Undang-undang Nomor 32 Tahun 2004. Kehadiran undang-undang yang berbasis otonomi daerah tersebut sempat melahirkan dinas pertanahan pada provinsi, kabupaten/kota yang diberi wewenang menyelenggarakan urusan pertanahan yang semula merupakan wewenang Badan Pertanahan Nasional. Perkembangan tersebut menimbulkan persoalan, antara lain konflik wewenang *(overlapping)* atau tumpang tindih wewenang. Jika konflik tersebut tidak ditata dengan baik, maka pada perspektif hukum akan muncul persoalan ketidakpastian hukum, dan pada perspektif manajemen pemerintahan akan muncul inefisiensi. Akibat pergeseran basis urusan pertanahan ini, diperlukan upaya harmonisasi urusan pertanahan berkaitan dengan otonomi daerah agar *overlapping* kewenangan tidak dilakukan bersamaan antara pemerintah pusat dengan pemerintah daerah. Metode yang digunakan dalam penelitian ini yaitu *statute*, c*onceptual* serta *case approach.* Kesimpulan penelitian diarahkan untuk mengajukan model peningkatan pelayanan pertanahan pada sektor pertanian dan perkebunan antara pemerintah pusat dan daerah.

Kata kunci: konflik wewenang, pelayanan pertanahan, pemerintahan daerah.

Introduction

Paradigm shift in governance from centralized system to decentralized system enables regions to regulate and manage their own households in accordance with their respective characteristics. Constitutionally, it fits the Article 18B of the 1945 Constitution of the Republic of Indonesia (old) which explains that the state recognizes and respects local government units that are special. Such recognition and respect as long as the units of indigenous and ethnic people and their traditional rights persist and suit the development of society and the

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principle of the Unitary State of the Republic of Indonesia.[1] On the basis of this recognition, then the term autonomy originated, i.e. the village has the right to regulate and manage its own household affairs based on the origin and local customs (governing community), and not the authority submitted by the superior government to the village.[2] The provision of Local Autonomy in Indonesia governance brings about Republic State, local governments to organize the administration in the area extensively, real and responsible and balance of intergovernmental relations.[3]

In terms of Land Law, institutionally there is National Land Agency (BPN). National Land Agency is one of the institutions whose existence needs to be reviewed and investigated at least since Law Number 22 Year 1999 on Local Government and Government Regulation Number 25 Year 2000 on Authority of Government and Provincial Authority as Autonomous Region as well as Government Regulation Num-ber 38 Year 2007 on Division of Government Affairs between Government. The presence of a regional autonomy-based law had established the land agency in provinces, districts/municipalities authorized to carry out land affairs which was originally National Land Agency (BPN) authority. These developments cause problems such as authority conflicts or overlapping/Conflict of Authority . If the conflict of authority is not well managed, then in legal perspective, it will arise legal uncertainty, while in perspective of government management, inefficiency will occur.

In its historical perspective, National Land Agency (BPN) exist as a result of Law Number 5 Year 1960 on Basic Regulation of Agrarian Principles while the presence of district/municipal land agency was founded due to the issuance of Law Number 22 Years 1999. The concept of regional authority based on Law Number 22 Year 1999 is so broad that it does not recognize any specific boundaries. This wide regional authority is explained in the provisions of Article 11 paragraph 1 of Law Number 22 Year 1999 stating that district/municipality authority covers all government authorities other than the authority that is exempted in Article 7 and Article 9. Whereas in Article 14 of Law Number 32 Year 2004 also affirmed that mandatory affairs which become the authority of local government for districts/municipalities is a district-scale affairs covering 16 details of affairs, one of which is land services.[4] However, after the issuance of Law Number 23 Year 2014 jo. Law Number 9 Year 2015 on Local Government, ser-vices related to land change. In Law Number 23 Years 2014 the affairs of the concurrent govern-ment which are the authority of the Region shall consist of the Mandatory Government Af-fairs and Preferred Government Affairs. Within Compulsory Affairs are the Mandatory Affairs of Basic Services and Basic Non-Basic Service Affairs. Mandatory Government Affairs relating to the Basic Service namely the Mandatory Government Affairs, which are part of the substance, is the Basic Service.[5]

In the land aspect, the fact in Surabaya City reveals that there are two land offices, namely Land Office of Surabaya I or Land Office of West Surabaya City and Land Office of Surabaya City II or Land Office of East Surabaya. In general, a city or district only has one land office. However, the city of Surabaya has two offices and has a different head office. In addition, the local government of Surabaya also has the Office of Building and Land Management. In article 12 paragraph 2 of Law Number 23 Year 2014 mentioned that the Mandatory Government Affairs does not relate to the Basic Service one of which is land. Due to the shifting of the

[1] Hengki Andora, "Desa Sebagai Unit Pemerintahan Terendah Di Kota Pariaman", *Jurnal Ilmu Hukum*, Vol. 2 No. 1, August 2011, p. 30.

[2] Dwiyana Achmad Hartanto, "Kedudukan Tanah Bengkok Sebagai Hak Asal Usul Pasca Undang-Undang Nomor 6 Tahun 2014 Tentang Desa", *Jurnal Mahkamah*, Vol. 1 No. 2, December 2016, p. 463.

[3] Ria Fitri, "Potensi Konflik Pemerintah Aceh Dan Pusat Dalam Bidang Pertanahan", *Kanun Jurnal Ilmu Hukum*, Vol. XVII, No. 66, August 2015, p. 271

[4] Tri Widodo W. Utomo, "Beberapa Issu Strategis Jangka Pendek Di Daerah dan Langkah Antisipasinya", *Jurnal Borneo Administrator*, Vol. 1 No. 3, January 2014, p. 13.

[5] Septi Nur Wijayanti, "Hubungan Antara Pusat dan Daerah Dalam Negara Kesatuan Republik Indonesia Berdasarkan Undang-Undang Nomor 23 Tahun 2014", *Jurnal Media Hukum*, Vol. 23 No.2, December 2016, p. 193.

land affairs base from land authority to land services between the local government and the central government, it is necessary to harmonize the land affairs related to regional autonomy to avoid overlapping of authority between the central government and the regional government. In regards to this, the discussion is limited to the framework of division of authority of land services between the central government and local government to realize efficiency of authority based on regional autonomy.

Research Methods

This is a legal research which aims to solve legal issues that arise. It is expected to contribute to provide input on the restriction to divide authority of ministry of land between central and local. This is similar to what presented by Peter Mahmud Marzuki stating that the results to be achieved in legal research is to provide prescriptions about what to be true.[6] The statutory approach is applied by using legislation and regulation.[7] It means that this approach focuses on the prevailing laws and regulations. The approach by means of statute approach is used as an attempt to analyze hierarchical relationships, consistency, and compatibility between the division of authority of land services to central and local government with legislation, other invites. In addition, this study also uses a conceptual approach to build a concept that will be used as a reference in research by moving from the views and doctrines that developed in the science of law. In addition, this research is also conducted by case study approach that analyzes and reviews cases related to the issues discussed.

Discussion

Formally, the authority of the government to regulate the land affairs is derived from Article 33 Paragraph 3 Years 1945 Constitution which affirms that the earth, water and natural resources contained therein are controlled by the State to be used for the greatest prosperity of the people. Then it is completed firmly in the Basic Agrarian Law. Furthermore, it propagates to various organic regulations in the form of government regulations, presidential decree, presidential regulations, and regulations issued by the head of technical institutions in the field of land.[8]

Substantially, government's authority to regulate the field of land especially in terms of traffic law and land utilization, based on the provisions of article 2 paragraph 2 of the ACT in respect of agrarian principle i.e. the authority to arrange and organize the allocation, use, supply and maintenance of land including determining and regulating the legal relations between people with legal deeds on the ground with the conditions the government has authorized juridical to make rules and regulations *(bestemming)* field in the agrarian land, as well as organizing the rules (execution) regarding a subject, object and legal relationship between the subject and the object are all about agrarian resources.[9] However, in this case, the government may grant a portion of their powers to the region based on the principle of autonomy and support (*medebewind*).

The existence of Law Number 23 Year 2014 is essentially meant to be a refinement and improvement of the legislation in the previous law. In the Law Number 32 Year 2004, the Governor only has 2 (two) functions which are the Governor as the head of the autonomous region and the Governor as the representative of the Government in the area. The Governor acts as the head of the autonomous region that is while running the authority - the authority that became compulsory and affairs of the province local government choice (vide Article 13 Law Number 32 Year 2004). The division of authority as provided for in Article 10, Article 13 and Article 14 of the Law Number 32 Year 2004 then elaborated further in the Government Regulation Number 38 Year 2007, in the practice of landscape still poses a problem including the

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6 Peter Mahmud Marzuki, 2005, *Penelitian Hukum,* Jakarta: Prenada Media, p. 89.

7 *Ibid,* p. 97.

8 Harris Yonatan Parmahan Sibuea, "Arti Penting Pendaftaran Tanah Untuk Pertama Kali", *Jurnal Negara Hukum*, Vol. 2 No. 2, 2011, p. 297.

9 *Ibid,* p. 298.

existence of overlapping authorities between provincial governments and district/city Governments often miss the onset of communication and coordination between the provincial government, regional/city governments, and others.

The impact of this autonomous region have also resulted inconsistencies in terms of plan that was formed by the Central Government, local governments or ministries. This can be seen in the formation of Long-term Regional development plan and medium-term Regional development plan determined by each local government-related regional development planning. The long-term development plans as well as medium-term Regional development plan is a planning document which contains a vision, mission and long-term regional development direction and/or medium which is one unity in national development planning system that has its own characteristics over five to twenty-five years into the future.

Along with Region's autonomy, each local government has the freedom to compose the following development planning with priorities scale. National development framework set up by the administration of Joko Widodo and Jusuf Kalla known as NAWACITA as well as other development plans carried out previously by the Government has no power to force into the area since the issues faced by regions could be different from national problems. Take a look at the development plan set up by Surabaya government in terms of land. There is also a unit of the Department of Management of the buildings and land that was specifically set up on land in broader sense. In addition, the Ministry of Agrarian and Spatial/national land Agency of the Republic of Indonesia also have medium-term and long term development plan. Agrarian Ministry at central level is known as the national land Agency. At the provincial level was formed regional Office of national land Agency, while at the level of district/municipality Land Office established district/municipality which is the length of the hand of the Ministry of Agrarian and Spatial.

In the environmental field, Bambang Sutrisno said that environmental protection and Law Number 32 Year 2009 on the protection and management of the environment overlap and attraction of interest between central government and local government still occur.[10] Autonomy all these times regarded as the entrance to the exercise of the power for the better the basic implementation in the framework of decentralized, autonomous creates the seeds of new conflict that directs the area in position face to face in competing for resources instead. There are some important things to give lessons in this conflict, namely the need for a new understanding at the level of elite that autonomy does not mean absolute freedom in its implementation.[11]

After further examined, at local level, particularly in Surabaya, there are two agencies governing land, i.e. Land and Buildings Management Service and the Office of the Land the city of Surabaya. It seems that there is an overlapping acts between provincial administration and Government or ministry. Thus a solution to harmonize both parties is required to avoid inconsistencies in implementation.

Implementation assigned to the region in the framework of autonomous region is the implementation of the national law of the land. This is confirmed in Article 2 paragraph 4 Law of Agrarian Principle that rules the country that their implementation can be autonomous regions and the customary law is required not contrary to the rules the Government. Meanwhile, in Law of Agrarian Principle mentioned that thus, the mandate to the authority to administer the rights of countries over land is done in the framework of *medebewind*.[12] Based

[10] Bambang Sutrisno, "Kerancuan Yuridis Kewenangan Perlindungan dan Pengelolaan Lingkungan Hidup Dalam Perspektif Otonomi Daerah", *Jurnal Ilmu Hukum*, Vol. 9 No. 17, February 2013, p. 33

[11] Muhammad Ali Azhar, "Desentralisasi Dan Konflik Kewenangan (Studi kasus konflik kewenangan antara Pemerintah Provinsi Sulawesi Tenggara dengan Pemerintah Kota Kendari dalam kasus pemberian izin investasi PT. Artha Graha Group)", *Jurnal Administrasi Negara,* Vol. III No. 1, June 2012, p. 73

[12] Boedi Harsono, 2003, *Hukum Agraria Indonesia Sejarah Pembentukan Undang-undang Pokok Agraria, Isi, dan Pelaksanaannya*, Jakarta: Djambatan, p. 245.

on Article 1 point 9 Law Number 32 Year 2004 *medebewind* is the assignment from the Government to the region and/or the village, from the provincial government to the regional/city and/or villages as well as from the Government District/city to village to carry out specific tasks.[13] Based on the provisions contained in Article 2 of the Government Regulation Number 38/2007 mentioned that government affairs consist of government authority and affairs shared with inter levels and/or order of government. Based on the provisions contained in Article 2 of the Government Regulation Number 38 Year 2007 mentioned that government affair consists of the authority of government and affairs that is shared between levels and/or order of government. Government Affairs that must be held by the local government is related to basic services (basic services) for society, as referred to in Article 7 paragraph 2 the Government Regulation Number 38 Year 2007.

Regarding implementation of agriculture and food sector, there is a separation in the categorization, i.e., Government Agriculture Affairs include in the options, meanwhile Government Food Field Affairs is categorized in basic non-service affairs. Based on the mandate of Article 24 Law Number 23 Year 2014, Technical Ministries in this regard the Ministry of Agriculture along with areas coordinated by the Ministry of the Interior do the mapping to assess the urgency of organizing agricultural affairs priorities in the region based on the area, the potential for absorption of the workforce and potential land use. Besides, it maps out to assess food sector's conduct as an obligatory matter which is non-based service in area based on range, population, and total regional budget (APBD).

In order to provide legal certainty on a plantation development sector especially in the field of land, it requires the existence of rights over the land which gives authority to the holder the right to control and animate the physically land rights assigned such as for the land rights which accommodate plantation development areas i.e. Rights to Cultivate Land (HGU).[14] However, in the eastern part of Indonesia practically there are many moving companies in the fields of plantations which have no Rights to Cultivate Land (HGU). It is because they are out of reach from government's supervision even though there are vast land potential to be cultivated. Beside having no HGU, some companies do not provide a report to the Forestry Service about land either. Thus, it demands the active role of the local authorities to undertake supervision.

Companies without the Rights to Cultivate Land (HGU) can be said that they have already used the land illegally without paying taxes to the State and this is a form of impoverishment of the country. The regulations about plantation is regulated in Law Number 18 Year 2004 and Law Number 26 Year 2007 on Spatial. Fundamentally, there are two main types of plantations in Indonesia, palm oil and timber. When the estate is located in the county, all the estate's license is obtained from the Regent. The exception is a license to use the forest area which requires the permission of the release of the jungle. The recommendations of the provincial governors are also necessary for some licenses. When the farm is more than one area, the Governor of the authority is the Publisher for all licenses other than the release of the jungle. A company or the applicant is obligated to build the facilities of gardening, and has made the opening of the land (without burning) within two years of the Plantation Business Permit (IUP) was published.

Conceptually, the local Government law is the main legal regime governing the Division of authority among the affair of the Central Government, provincial and municipalities. After acquiring the Plantation Business Permit, the company should immediately take care of the Rights to Cultivate Land (HGU) within two years after the issuance of the license. the Rights to Cultivate Land (HGU) is made by Na-

[13] Urip Santoso, "Kewenangan Pemerintah Kabupaten/Kota Dalam Bidang Pertanahan" *Jurnal Hukum*, Vol. 3 No. 2, December 2012, p. 245.

[14] Janri Wolden Halomoan Sirait, "Implementasi Kebijakan Pemberian Hak Guna Usaha" *Jurnal Ilmu Administrasi Negara*, Vol. 14 No. 2, 2017, p. 133.

tional Land Agency (BPN) with tax information, a map of the area that is approved, a copy of the site license and all permits release of forests if it is relevant. After the Rights to Cultivate Land (HGU) has ended, the land belongs to the State. Only after all this permission has been granted, the company can then build a palm oil plantation in a particular area.

Deviation often occurs in the Rights to Cultivate Land (HGU) management done by Plantation Company, in which there are several companies incapable of managing the Rights to Cultivate Land (HGU). This is what happened in several areas in Indonesia where some of palm oil companies do not perform the Rights to Cultivate Land (HGU) management upon the land their owned. Having no the Rights to Cultivate Land (HGU) permission means the company illegally utilizes the land. This is also harmful for the regional government. As it is not done by the Rights to Cultivate Land (HGU) stewardship, so the number of task cost that can be accepted from the Rights to Cultivate Land (HGU) cannot be determined. There should be supervision done by the regional government towards palm coconut plantation to do the management of its Rights. By doing so, the regional government is able to gain profit from the tax of the Rights to Cultivate Land (HGU) management. Regional government have authority to do legitimization for palm coconut plantation companies who are not willing to do HGU management.

Based on Law Number 23 Year 2014, provincial and regional government as autonomy area have been given authority of government's management and it is the obligation of provincial and regional government to regulate and manage the plan, utilization, and supervision spatial system in regional area. To guarantee the goal of the spatial system implementation as mentioned, the supervision is done towards the performance of setting, coaching, and implementation of spatial system. In this case, the setting includes supervision, evaluation, and report. The supervision done by regional and central government is implemented by involving social participation. Society's role can be done by delivering report or complaint to the central or regional government.

It is stated in the Law Number 23 Year 2014 that central government poses most of defense affair over the provincial level or regional level, even regional level gains the authority of permission in defense field more than the central or provincial ones. Business related to the communal and abandoned land is fully given to the province of region. In the previous law, those two business were under the authority of central government such as the authority norm, standard, procedure, and criteria. In its relation with the land supply for public matter, the authority is divided between central and provincial government. This is in line with the terms of Law Number 2 Year 2012 on Land Supply for the development for the sake of public interest dividing the authority related to the land supply between central and provincial government. In the Law Number 2 Year 2012, Mayor can involve just as the member of assessment team in which related to the objection towards the development location planning (Article 21 paragraph 3). In the Law Number 23 Year 2014, city or regency still have authority in supplying land for public interest, such as authority to establish location, forming the committee of the land supply and assessment team of land cost and the completion of dispute upon compensation. Therefore, to avoid authority conflict, this authority separation needs to be still managed further in the derivative regulations like government regulation, presidential regulation, or ministerial regulation.

Regarding the spatial system, there is no significant change of business distribution from Law of old regional regulation to the new regional regulation. However in aspect of permission according to the Law Number 23 Year 2014, city or regency have the authority in giving more permissions than the central such as building permit, national construction Service Company permit, and permission of building and development of residential area. Province does not even have the permission authority in the aspect of spatial system other than coordinates the proposal of spatial system in the regional le-

vel. These three regional permissions are more related to the urban area. Meanwhile rural constellation is going to be more related to the business distribution in the forestry field, recalling on the number of rural area in which they are intersected or even located in the forest area. Terms of spatial system is somehow going to have an adjustment especially for the change of authority proposal on the change of forestry area which have been switched to the province in the present time, previously it was the authority of the regency.

Agricultural policy in the constitution is regulated through Law of Agrarian principle. Based on Law of Agrarian principle, it is regulated in Article 10 paragraph 1 and 2 which discuss a principle, that "Agricultural land must be done or cultivated actively by its owner in which during the implementation regulated in the constitution regulation". Therefore, everything related to the agreement of agricultural land profit sharing must be based on the terms written in the Law of Agrarian Principle. However, as the time goes by, agricultural land can cause a persistent dispute that can also cause social silence and order disturbance, especially for the farmers if it is not handled continuously and well-planed. Relating to the issues happening lately, some of the land are owned by big companies which underwent functional shift to no-agriculture, such as property or Plantation Company.

To protect agricultural land from non-agricultural usage, government have the legal basis, that is Law Number 41 Year 2009 on the Protection of Sustainable Food Land. In Article 18 paragraph 1 stated that Protection of Sustainable Food Land is done by the establishment: *first*, sustainable agricultural food area; *second*, sustainable agricultural food land inside and outside of the sustainable agricultural food area; and *third*, back up sustainable agricultural food inside and outside of sustainable Agricultural Food Area. Article 44 paragraph 2, in discussion of public interest, sustainable Agricultural Food Land can be functionally shifted and implemented based on the terms of constitution regulation. Article 44 paragraph 3 stated how Land shifting has been established as sustainable Agricultural Food Land for public interest only can be done under conditions: *first*, where study of strategic appropriateness is done; *second*, where the land is shifted; *third*, where its owner's right is freed from the owner; and *fourth*, where back up land is provided towards functionally shifted sustainable agricultural Food Land.

Article 44 paragraph 6 stated on Ownership Liberation right upon land which is functionally shifted as it is meant on article 3 point c done by giving compensation based on the terms of constitution regulation. Regarding to the issue we write that agricultural land conversion becoming land of the property is the spatial system plan in the provincial level. Land functional shifting becomes non agriculture as effect of the high need of land suing the effort of irrigated rice field zone to be the land of property. This management aims to prevent the functional shifting to happen in which that is highly producing in the field of food plantation result especially rice plant.

Agricultural land control through permission process mechanism in this case requires filtration or setting so the current utilization would be in line with the constitution regulation applied. Permission mechanism the petitioner proposes excluded the scope of the location limit by not more than 25 Ha for the agricultural entrepreneurship or no more than 10.000 m2 for non agriculture entrepreneurship. The petition is proposed to the Office of Defense without using location permit usually proposed by individual petitioner just like house building or entrepreneur not wide land.

Most of the government policies related to the agricultural things is actually not in the side of its own agricultural sector. The progressive enhancement and causing the high number of the agricultural land shifted from agricultural to non agricultural.[15] Agricultural land becomes victim to fulfil the need of settlement and irresponsible industry. Agricultural land functional

[15] Handoko Probo Setiawan, "Alih Fungsi (Konversi) Lahan Pertanian Ke Non Pertanian Kasus Di Kelurahan Simpang Pasir Kecamatan Palaran Kota Samarinda", *e-Journal Sosiatri-Sosiologi*, Vol. 4 No. 2, 2016, p. 285.

shifting is the consequence of the activity improvement, citizens' population and other developments. Land functional shifting is basically common thing in this modern era but it arises many problems since it takes place on the productive land. Agricultural land provide benefits such as economics, social, and environment. However, if it functionally shifts, it potentially brings disadvantages to society.

The effect of land conversion related to various widespread business dimension does not only threatens the sustainability of *"swa sembada pangan"*. Conversion impact of agricultural land is connected several wide business dimensions not only threatening the sustainability of *swa sembada pangan* but also those related to the hiring of the workers, waste of irrigation investment, balance of prosperity, environment quality, and readiness of social structure in society. One of the government's steps to prevent land conversion is by complicating the shifting process itself, in which this is represented by the Mayor with the existence of draining land. Yet if this step done by the government is still not enough since this land conversion can be very easy to be proposed by the petitioner and granted by the government. The government is supposed to give policy that concerns the public interest. Government also needs to prepare rules that determine minimum number of agricultural land Indonesia should own, giving requirement that is difficult enough to be fulfilled by the petitioner if they want to do land conversion. Strict sanction or punishment is also needed if there is government apparatus or petitioner who commit violence regarding land conversion.

Conclusion

Based on Law Number 23 Year 2014, the granting of regional autonomy in running governance in Indonesia brings consequences that regional government can run the governance in the region further, real, and responsible by paying attention on the balance of government. Provincial and regional government as authorized region have been given authority of government business as well as being provincial and regional government's obligation to manage and take care of the planning, utilization and monitor of spatial system in the region. However, there are authority conflicts between central and regional government in several aspects, such as defense and environmental issues so inefficiency happens which is against with the public service principle in regional government. Central government is still considered lack in creating harmonization in constitution regulation related to defense to overcome the authority conflict which can be still interpreted differently.

It is recommended for the government to be able to make constitution regulation that is related to the distribution of authority that is more complete and concrete in comparison to more complete among central government. Provincial and regional government are willing to see, especially authorities that would be and has been delegated to the regional government in terms of of defense, synchronization and optimum functional function between regional government, especially public service.

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