

Reconciling Central Administrative Oversight and Local Political Legitimacy: A Normative Analysis of Sanctions Against Directly Elected Regional Heads

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ABSTRACT

Indonesia's decentralisation system embodies a fundamental tension between the political legitimacy conferred upon directly elected local leaders and the centralised oversight exercised by the Ministry of Home Affairs, a tension that remains inadequately addressed within the existing legal framework. This study aims to examine the legal limits of the Ministry's authority to supervise local officials, using the administrative sanction imposed on the Regent of Indramayu as a case study. Employing a normative legal research method with statutory and conceptual approaches, the study analyses how supervisory authority is acquired and exercised under Law No. 23 of 2014 on Regional Government. The findings reveal that although local leaders derive strong democratic legitimacy from direct elections, they remain constitutionally bound by the unitary state structure, and the Ministry's imposition of corrective administrative sanctions constitutes a lawful exercise of oversight; however, non-punitive "soft governance" measures such as compulsory mentoring or internships must strictly observe the principles of proportionality and legality to avoid excessive interference in local self-governance. The study concludes that future legislative reform must clearly delineate the boundaries of administrative pressure so that supervision functions as an instrument of institutional development rather than political control. This research contributes to legal scholarship by offering a normative framework for distinguishing legitimate administrative oversight from politically motivated intervention, thereby enriching the discourse on decentralisation and central-local government relations in Indonesia.

Keywords: Regional Autonomy, Authority, Supervision and Guidance.

INTRODUCTION

The post-New Order era in Indonesia marks an important shift in its government structure owing to decentralization reforms (Jati, 2012). Law No. 23 of 2014 concerning Regional Government stipulates the two-tier authority split between the central and regional levels. However, practical implementation tends to have jurisdictional overlaps, conflicting policies, and central-regional bargaining. This study aims to explore the Upper boundary of the central government's authority regarding governance of the regions and examine the

application of the principle of regional autonomy. The essence of decentralization is the splitting up, or devolution, of the central government's administrative functions to subdivisions or regional levels of government (Putra & Lubis, 2024). The broad purposes of such an action include efficiency of governance, responding to public needs, tailoring management to regional conditions, and providing faster service.

The national government plays a central role in navigating this intricate landscape of regional governance, holding considerable power and responsibility in directing the course of local administrations. Among the various governmental bodies, the Ministry of Home Affairs holds a particularly significant position. Ministry of Home Affairs acts as the key intermediary between the national and sub-national levels, tasked with the crucial responsibilities of oversight, guidance, and promoting synergy in policy execution (Halik, 2015). Its responsibilities range from ensuring adherence to national laws and regulations at the local level to facilitating capacity development and encouraging sound governance practices across the diverse regional administrations, thereby serving as a cornerstone of the decentralized structure.

Decentralization in Indonesia attempts to empower local entities; however, it also attempts to streamline a certain set of issues (Siboy, 2022). The split of power between the local government and the regional administration is not well differentiated, thus causing problems with overlapping functions and conflicting policies. Moreover, the ability of regional governments to effectively manage their newly granted autonomy varies significantly, necessitating ongoing support and direction from the national level. Addressing these complexities demands a careful balancing act, ensuring that regional autonomy is respected while simultaneously protecting national interests and preventing fragmentation or disparities in governance standards throughout the archipelago.

Consequently, comprehending the dynamics of regional governance in Indonesia requires a focused examination of the national government's role, especially that of the Ministry of Home Affairs. Investigating the mechanisms through which it carries out its supervisory and guidance functions and analyzing their impact on the autonomy and effectiveness of regional administrations becomes critical. Such an inquiry must also consider the inherent tensions that can emerge between national oversight and local self-determination, particularly in a context where regional leaders gain their legitimacy directly from the voting public. Ultimately, a thorough analysis will contribute to a deeper understanding of the continuous efforts to optimize the decentralized system and foster a more unified and prosperous Indonesia.

In Indonesia, the Ministry of Home Affairs acts as the primary guiding entity for regional administrations (Halik, 2015), occupying a central role in their governance. This encompasses several key aspects: oversight, guidance, and the regulation of relations between the central and regional governments. This crucial role is not static; it continually evolves in response to regulatory changes and decisions from the Constitutional Court, which directly impact the Ministry of Home Affairs' authority in supervising and guiding these regional entities (Dirgahayu et al., 2021). The Ministry of Home Affairs' guidance functions across several key areas. Firstly, it involves providing technical assistance, conducting performance evaluations, and facilitating policy formulation for both Regional Heads and the Regional People's Representative Council (DPRD). Secondly, it includes the management of staffing and the implementation of capacity enhancement initiatives for the Regional Civil Apparatus (ASN).

Furthermore, the Ministry of Home Affairs plays a significant role in regional financial oversight. The Ministry routinely provides guidance and supervision of regional financial management, with a particular focus on the formulation and implementation of the Regional Budget (APBD). While efforts to enhance the quality of this oversight and evaluation are ongoing through the development of standards and guidelines, their effectiveness is still considered suboptimal. Finally, in instances where violations occur in the execution of regional governance, the Ministry of Home Affairs is authorized to undertake specific corrective actions. These measures include issuing reprimands or warnings to Regional Heads, proposing their dismissal to the President (for governors) or the Minister of Home

Affairs (for regents/mayors), and nullifying regional regulations or policies that are found to contradict prevailing statutory laws.

Based on the aforementioned points, should a Regional Head, such as a Governor or Regent/Mayor, commit a transgression in the performance of their duties, the Minister of Home Affairs possesses the authority to implement measures. A case in point is the Ministry of Home Affairs' imposition of a three-month mentorship sanction on the Regent of Indramayu, Lucky Hakim, for neglecting to seek permission before traveling abroad for leisure. The Ministry of Home Affairs mandated this sanction to involve in-depth learning regarding political governance management over three months, requiring the Regent of Indramayu's presence at the Ministry's premises at least one day per week.

The Minister of Home Affairs' decision to sanction the Regent of Indramayu warrants examination from multiple perspectives. The action of penalizing a regent has generated considerable debate, particularly given that the position of regent is obtained through direct popular election. Such direct elections signify that regents possess substantial political legitimacy derived from the mandate of the people, which can sometimes lead to a stronger allegiance to local (or elite) interests rather than national policies. Conversely, the Ministry of Home Affairs fulfills the role of a 'system guardian' within regional governance. Its objective is to ensure that regions operate within the framework of the Unitary State of the Republic of Indonesia, adhere to the constitution, and execute governmental functions effectively and efficiently. This supervisory and guiding function is crucial in preventing decentralization from leading to disintegration or the misuse of authority.

Drawing from the preceding exposition, a deeper examination of the Ministry of Home Affairs' decision to sanction a Regent for misconduct warrants scholarly attention from the perspective of Administrative Law. A key issue in both legal and theoretical debate emerges when centralized administrative control comes into contact with the political legitimacy of regionally elected leaders. Regents, mayors, and governors chosen directly by voters hold a strong democratic mandate, which can foster a parallel center of allegiance—where local leaders may emphasize regional priorities at the expense of national policy coherence. This conflict became particularly evident when the Ministry of Home Affairs imposed a three-month administrative mentorship on the Regent of Indramayu for traveling abroad without authorization.

This disciplinary measure has sparked significant discussion in administrative law about the limits of state authority. Is it legally permissible for a centrally appointed minister to impose behavioral restrictions on an elected official without undermining the principles of regional autonomy? While decentralization is widely examined in academic discourse, there is still limited analysis concerning the exact legal standards and proportionality of "soft" regulatory tools—such as compulsory institutional training—under current legislation. Accordingly, this study seeks to examine the statutory boundaries of the Ministry of Home Affairs' supervisory powers. By situating the Indramayu case within broader frameworks of public law, the legitimacy of authority, and the rule of law, the paper aims to clarify the appropriate balance between central oversight and democratically grounded local governance.

METHOD

This study utilizes a standardizing legitimate inquiry technique, moreover broadly recognized within legitimate dogmatics, to comprehensively look at the statutory boundaries and hypothetical nature of the Service of Domestic Affairs' specialist within the system of Indonesian territorial independence. Not at all like observational studies that center on socio-legal behavior or field perceptions, this regulatory inquiry treats legitimate standards, statutory pecking orders, and open law tenets as its essential question of inquiry. The utilization of this strategy is significant for addressing the characteristic legal contact between central regulatory oversight and neighborhood political authenticity, permitting an organized examination into the consistency and systemic integration of positive law in Indonesia. To guarantee a vigorous and comprehensive examination, this investigation efficiently coordinates two essential expository focal points, the primary of which is the

statutory approach (*pendekatan perundang-undangan*). This approach is utilized to fundamentally look at the legal consistency, hierarchical arrangement, and operational legitimacy of positive legal disobedience that govern central-regional relations within the post-Reformation period. The essential expository center beneath this approach is centered on assessing the central provisions and basic components of Law No. 23 of 2014 concerning Territorial Government, in conjunction with its ensuing corrections and actualizing controls, to survey how the law equalizes decentralized execution with national integration.

Complementing the statutory examination, the conceptual approach is connected to contextualize these statutory arrangements within established open law teachings and protected rationalities. By moving the viewpoint from simple content to legitimate hypothesis, this approach expressly draws upon the basic standards of lawfulness (*legaliteitsbeginsel*) and the sacred hypothesis of the unitary state. Moreover, it joins the foundational instruments of specialist acquisition, specifically attribution, appointment, and mandate, to scrutinize the lawful position of the Service of Domestic Undertakings and assess whether its supervisory components stay within the boundaries of rule-of-law standards. The information for this consideration is assembled through exhaustive, efficient library research to gather definitive legal materials, which are entirely categorized into essential and auxiliary legal sources. The essential legal materials include official documents that carry formal authority, including sacred arrangements, Law No. 23 of 2014, significant ecclesiastical directions, and definitive court decisions that characterize state control. In the meantime, the auxiliary legitimate materials consist of non-binding, however exceedingly enticing scholastic sources, including classic and modern reading material by notable authoritative law researchers such as Philipus M. Hadjon, Stroink, and Van Wijk, peer-reviewed scholarly journals, and formal legal suppositions tending to territorial independence, state risk, and organizational specialization. The accumulated materials in this way undergo a thorough subjective, prescriptive-interpretive legal analysis to infer important conclusions from the writings. Instead of only depicting existing positive standards or experimental administration conditions, the analyst profoundly scrutinizes and formulates the legal writings to clarify how lawful responsibility shifts amid the burden of regulatory sanctions. By comparing hypothetical systems against real statutory applications, the findings are eventually organized as a prescriptive examination, which moves past depiction to offer a coherent, regulatory determination of the systemic contact between central authoritative control and local official independence.

RESULTS AND DISCUSSION

The Concept of Regional Autonomy

The fall of Soeharto's New Order in 1998 instigated a profound transformation within Indonesia. The subsequent Reformation era ushered in a shift from a centralized governmental structure towards decentralization (Putra & Lubis, 2024). This alteration provided regions with the opportunity to manage their internal affairs independently and with accountability, a principle recognized as regional autonomy. This extensive devolution of autonomy is intended to expedite the achievement of prosperity for local communities. Etymologically, the term "autonomy" has its roots in Greek, combining "autos," meaning "self," and "nomos," signifying "rule" or "law." Consequently, autonomy can be understood as the capacity for self-governance or the authority to establish regulations for managing one's internal affairs (Grindle, 2011). Concurrently, "region" refers to a legal community with clearly defined territorial boundaries. The literal interpretation of regional autonomy stems from the words "autonomy" and "region." In Greek, "otoni" derives from "autos" (self) and "nomos" (rules and laws).

Regional autonomy is the authority within a specified territory or area to control and administer matters for the benefit of that area or its people. From a wider perspective, it includes the authority or power within a certain area or region to manage and control its interests, which can be economic, political, and fiscal balance arrangements, including social, cultural, and ideological adaptations aligned with local customs and traditions (Muqoyyidin, 2013). Regional autonomy constitutes the rights, authorities, and obligations of

autonomous regions to regulate and manage their affairs and the interests of their regional communities following established laws (Rahayu, 2018). Regional autonomy is also instituted for the benefit of the regions themselves. Conceptually, the implementation of regional autonomy in Indonesia rests on three primary objectives:

- a. Political Objectives: Achieved through efforts to realize political democratization via political parties and the Regional People's Representative Council (DPRD).
- b. Administrative Objectives: Aimed at the division of responsibilities between the central and regional governments, including financial resources, and the reform of bureaucratic management within regional governments.
- c. Economic Objectives: Focused on realizing an increase in the Human Development Index as an indicator of improved welfare for the Indonesian populace.

The implementation of regional autonomy is not only based on legal frameworks but also serves as an application of globalization demands, which must be empowered by granting regions broader, more tangible, and accountable authority, particularly in regulating, utilizing, and exploring the potential resources within their respective areas. The spirit of regional autonomy is reflected in governmental administration through the central government's devolution of power to regions to manage their affairs according to their available resources. Regional autonomy is not solely focused on local revenue but also necessitates community empowerment by striving to adapt cultural and structural approaches to enhance the welfare of regional communities. This embodies the essence of autonomy as desired by the people.

Interestingly, the recently enacted Law Number 61 of 2024 did not address or revise the provisions concerning the relationship between ministries and regional governments, despite significant evolution in Indonesia's constitutional landscape (Birham, 2024). This oversight is particularly noteworthy because the still-operative Law Number 39 of 2008 continues to rely on the outdated framework established by Law Number 32 of 2004 concerning Regional Governance. Over its more than sixteen years of enforcement, this earlier legislation has undoubtedly witnessed substantial developments and complexities regarding the clarification of central-regional relations, the division of governmental affairs, and the crucial aspects of guidance and oversight.

The Concept of Authority

According to the Indonesian dictionary (*Kamus Besar Bahasa Indonesia*), the term "*wewenang*" (authority) is equated with "*kewenangan*" and is defined as the right and power to act, the power to make decisions, to command, and to delegate responsibility to other individuals or bodies. Authority represents the right to utilize the power held by an official or institution according to prevailing regulations (Hasrul, 2017). Consequently, authority also pertains to the competence for legal actions that can be undertaken following formal rules; thus, authority is the formal power possessed by an official or institution.

In public law, authority is linked to power. Power shares a similar meaning with authority because the power held by the Executive, Legislative, and Judiciary branches is formal. Power is an essential element of a state in the process of governance. It forms the core of state administration, enabling the state to be dynamic ("*de staat in beweging*") so that it can function, work, have capacity, achieve, and perform in serving its citizens. Therefore, the state must be vested with power.

According to Miriam Budiardjo (Budiardjo, 2007), power is the ability of an individual or a group of individuals to influence the behavior of another individual or group in such a way that this behavior aligns with the wishes and goals of the individual or the state. For power to be exercised, a ruler or organ is needed, leading to the conceptualization of the state as a complex of offices ("*een ambtencomplex*") where these offices are filled by officials who uphold specific rights and obligations based on a subject-obligation construct. Thus, power has two aspects: a political aspect and a legal aspect, whereas authority has only a legal aspect. This means that power can originate from the constitution or sources outside the constitution (unconstitutional), such as through coups or wars, while authority originates from the constitution.

The term "*wewenang*" (authority) is used as a noun and is often equated with the Dutch legal term "*bevoegdheid*". According to Phillipus M. Hadjon (Hadjon et al., 2011), upon closer examination, there is a slight difference between "*kewenangan*" and "*bevoegdheid*." This difference lies in their legal character. "*Bevoegdheid*" is used in both public and private law concepts (Zamroni, 2024). In our legal concept, the terms "*kewenangan*" or "*wewenang*" are consistently used within the framework of public law.

Authority holds a significant position in the study of constitutional law and administrative law. Its importance is such that (Stroink, 2006) refers to it as a core concept in these fields. Governmental authority in state administration is related to the principle of legality. In this context, the principle of legality becomes fundamental for the granting of authority. Philipus M. Hadjon states that every governmental action is required to be based on legitimate authority (Hadjon et al., 2011). Therefore, the principle of legitimate authority serves as a foundational cornerstone, underpinning all governmental actions within the realms of constitutional and administrative law.

Aligned with the fundamental principle of legality, a core tenet of the rule of law, governmental authority is inherently rooted in statutory regulations. This signifies that the legitimacy and scope of governmental power are derived directly from these legal instruments. In theoretical terms, the acquisition of authority through statutory regulations typically occurs via three distinct mechanisms: attribution, delegation, and mandate. Attribution, notably, involves the direct conferral of new governmental authority by a specific provision within a statutory regulation (Taufiqurrahman et al., 2021). In this instance, a novel power or competence is established or brought into existence. Furthermore, it is noted that the competent legislator to grant attribution of governmental authority is differentiated between:

- a. Those holding the position of original legislator: In our country, at the central level, this is the MPR (People's Consultative Assembly) as the framer of the constitution, and the DPR (House of Representatives) together with the government as the creators of laws. At the regional level, it is the DPRD (Regional People's Representative Council) that creates regional regulations.
- b. Those acting as delegate legislators: Such as the president, who, based on a provision of law, issues government regulations whereby governmental authorities are created for specific state administrative bodies or positions.

In delegation, a transfer of an existing authority occurs from a state administrative body or position that has acquired governmental authority through attribution to another state administrative body or position. Thus, delegation is always preceded by an attribution of authority. Regarding attribution, delegation, and mandate, (Van Wijk & Konijnenbelt, 1995) define them as follows:

- a. *Attributie: toekenning van een bestuursvoegheid door een wetgever aan een bestuursorgaan* (attribution is the granting of administrative authority by a legislator to an administrative body).
- b. *Delegatie: overdracht van een bevoegdheid van het ene bestuursorgaan aan een ander* (delegation is the transfer of authority from one administrative body to another).
- c. *Mandaat: een bestuursorgaan laat zijn bevoegdheid namens hem uitoefenen door een ander* (mandate occurs when an administrative body allows its authority to be exercised on its behalf by another body).

In contrast to Van Wijk, (Stroink, 2006) states that there are only two ways for administrative bodies to acquire authority: attribution and delegation. Regarding attribution and delegation, it is mentioned that attribution concerns the conferral of new authority, while delegation involves the transfer of existing authority (Muttaqin, 2025) – by a body that has acquired authority through attribution to another body, so delegation logically is always preceded by attribution. In the case of a mandate, it is argued that there is no transfer of authority or delegation of authority. In a mandate, no change in authority occurs (at least in a formal legal sense); there is only an internal relationship, for example, between a minister and an employee. The minister has authority and delegates to the employee to make certain decisions on the minister's behalf, while legally and in terms of responsibility, it remains with the ministerial body. The employee decides factually and materially, but legally, the

responsibility rests with the ministry. The definitions of attribution and delegation based on the *Algemene bepalingen van administratief recht* (General Provisions of Administrative Law) are as follows: Attribution of authority occurs when a law (in a material sense) confers specific authority to a specific body. Delegation of authority means the transfer by an administrative body that has been granted authority to another person who will exercise the transferred authority as their own.

In the study of administrative law, understanding the source and method of acquiring authority for governmental bodies is important because it relates to legal accountability in the use of that authority, consistent with one of the principles of the rule of law: no authority without responsibility. Every grant of authority to a specific government official implicitly includes the responsibility of that official.

Based on the aforementioned information, it is evident that authority acquired through attribution is original and derived from statutory regulations. In other words, the governmental body directly obtains authority from the wording of a specific article in a statutory regulation. In the case of attribution, the recipient of the authority can create new authority or expand existing authority, with internal and external responsibility for the implementation of the attributed authority fully residing with the recipient (*attributaris*). In delegation, there is no creation of authority; there is only a transfer of authority from one official to another. Legal responsibility no longer rests with the delegator (*delegans*) but shifts to the delegate (*delegataris*). Meanwhile, in a mandate, the mandatary (*mandataris*) only acts for and on behalf of the mandator (*mandans*); the ultimate responsibility for the decisions taken by the mandatary remains with the *mandans*. This is because, fundamentally, the mandatary is not a separate party from the mandator.

Authority of the Ministry of Home Affairs in Guiding Regional Heads and Government Apparatus: The Doctrinal Essence of Regional Autonomy and Authority

Etymologically, regional autonomy signifies the legally defined capacity of a territorial community to govern its internal affairs through self-generated regulations. In the Indonesian context, this principle serves political, administrative, and economic objectives: fostering grassroots democratization, decentralizing bureaucratic functions, and maximizing local resource management to enhance public welfare. However, the constitutional architecture of Indonesia as a unitary state dictates that the devolution of power is never a complete severance of central ties; instead, it is a controlled distribution of administrative competence.

In public or state administrative law, the execution of any state action requires valid *kewenangan* (authority)—the formalized legal power to make binding decisions, issue commands, and enforce compliance. Under the foundational principle of legality (*legaliteitsbeginsel*), every administrative act must be rooted in an explicit statutory provision. Public law power is strictly institutional, meaning it exists only within the boundaries carved out by the legislator.

The mandate of the Ministry of Home Affairs in the context of regional autonomy implementation encompasses guidance, oversight, and facilitation (Hadi et al., 2024). The Ministry of Home Affairs is tasked with ensuring that regional governments execute their autonomous powers under prevailing statutory regulations (Nasution, 2007). The following represent some key authorities held by the Ministry of Home Affairs in the realm of regional autonomy:

- a. Guidance: The Ministry of Home Affairs provides direction to regional governments concerning the conduct of their administration, including matters falling under regional jurisdiction.
- b. Oversight: The Ministry of Home Affairs supervises the implementation of regional autonomy, including performance evaluation, monitoring activities, and reporting procedures.
- c. Facilitation: The Ministry of Home Affairs assists regional governments in the execution of their autonomy, for instance, by offering technical assistance, training programs, and information resources.

- d. Policy Formulation and Implementation: The Ministry of Home Affairs plays a role in the creation and execution of policies related to regional autonomy, such as regional structuring, special autonomy arrangements, and designated special regions.
- e. Coordination: The Ministry of Home Affairs facilitates coordination among regional governments and with the central government in the context of implementing regional autonomy.
- f. Evaluation and Reporting: The Ministry of Home Affairs evaluates the implementation of regional autonomy and compiles reports to serve as input for further assessment and improvement.
- g. Control of Regional Legal Products: The Ministry of Home Affairs monitors regional legal products (Perda) to guarantee their consistency with higher-level statutory regulations.
- h. Institutional Development of Regions: The Ministry of Home Affairs fosters the development of regional institutions, including staffing and the organizational structure of regional apparatuses.
- i. Education and Training: The Ministry of Home Affairs organizes educational and training initiatives to enhance the competence of regional government personnel in executing their autonomous functions.

These authorities are intended to ensure that regional autonomy operates effectively, efficiently, and in alignment with its intended objectives, namely to improve public welfare and strengthen the unitary state. Within the national framework, regional governments in Indonesia constitute an integral component of the central government. The central government, through the Ministry of Home Affairs, cannot relinquish its oversight of the administration of regional governments.

Based on the duties and functions of the Ministry of Home Affairs as stipulated in Law No. 32 of 2004, Article 217 paragraph (1), it is stated that guidance on the administration of regional government is carried out by the Government, which in this case is assigned to the Ministry of Home Affairs. This is done through coordinating governance among levels of government; providing guidelines and standards for the implementation of governmental affairs; offering guidance, supervision, and consultation on the implementation of governmental affairs; education and training; and planning, research, development, monitoring, and evaluation of the implementation of governmental affairs.

Given the extensive obligations and responsibilities of the Ministry of Home Affairs in providing technical guidance on the administration of regional government, various measures are undertaken, such as overseeing the administration of regional government by the central government, which includes supervising the implementation of governmental affairs in the regions and monitoring regional regulations and the regulations of regional heads. The supervision referred to above is carried out by the government's internal supervisory apparatus under statutory regulations.

To properly evaluate the Ministry of Home Affairs' intervention apparatus, the legal analysis must align with the current legislative landscape. The original framework under Law No. 32 of 2004 — which previously governed ministerial guidance, standards formulation, and internal supervisory checks—has been entirely superseded. Under the operative framework of Law No. 23 of 2014, the central government retains an unrenounceable attribution of supervisory power (general oversight) to preserve national unity and ensure that local legal products do not contradict superior statutory regulations.

The Ministry's statutory mandate is operationalized through structured guidance (offering technical directives and capacity building), oversight (monitoring performance and evaluating regional budgets), and facilitation. When local administrations deviate from national legal standards or exhibit governance failures, the law attributes to the Minister of Home Affairs the power to enforce corrective actions. These measures include the nullification of non-compliant regional regulations, the issuing of formal reprimands, or the initiation of dismissal proceedings through the executive hierarchy.

The Case of the Indramayu Regent: Soft Governance vs. Local Autonomy

The Ministry of Home Affairs holds a central role in guiding and overseeing the administration of regional governments. Guidance is provided by the Minister of Home

Affairs (Mendagri) for provinces, while technical ministries or non-ministerial government institutions provide technical guidance. Oversight is conducted to ensure that regional governance operates efficiently and effectively in accordance with statutory regulations.

The duties and functions of the Ministry of Home Affairs, as outlined in Law No. 32 of 2004, Article 217 paragraph (1), stipulate that guidance on the administration of regional government is the responsibility of the Government, delegated to the Ministry of Home Affairs. Guidance and oversight are integral to the effort to realize effective regional autonomy. An example of the Ministry of Home Affairs' oversight and guidance process towards regional governments can be seen in the case of the Regent of Indramayu, Lucky Hakim, who was sanctioned by the Ministry of Home Affairs with a three-month internship at the ministry. This sanction was imposed due to violations of governance practices. Additionally, he was advised to use public transportation as part of fostering ethical public leadership.

The sanction imposed by the Ministry of Home Affairs on Regent of Indramayu Lucky Hakim, in the form of a three-month internship at the ministry, constitutes guidance for violations of governance practices. Furthermore, the suggestion to use public transportation symbolizes simplicity and connection with the populace. This step reflects a non-punitive approach by the central government aimed at educating rather than solely punishing, and it illustrates a more corrective and educative dynamic in central-regional relations.

The actions of the Ministry of Home Affairs in sanctioning the regent have raised numerous questions, particularly given that the position of regent is the result of direct popular elections. In this matter, the author will attempt to analyze it from three perspectives:

- a. Perspective of Regional Government Administration: Within the context of regional government administration, regional heads (including regents) do possess autonomy in administering governmental affairs within their regions. However, this autonomy is not absolute. The principle of asymmetrical decentralization applies, where regions remain subject to national statutory regulations. The Ministry of Home Affairs has an oversight function regarding the implementation of regional autonomy. Administrative sanctions against a regent can be imposed if proven to have violated norms, governmental ethics, or statutory regulations, such as: 1) Abuse of authority, 2) Failure to fulfill the obligations of a regional head according to Law No. 23 of 2014, 3) Violation of the oath of office or ASN neutrality (if the case is related). This demonstrates that even though regional heads are directly elected, they remain within the framework of a hierarchical governmental system. Ministry of Home Affairs possesses the administrative authority to provide guidance and oversight regarding the operation of regional government based on Law No. 23 of 2014. Sanctions against regional heads, such as internships or reprimands, are part of efforts to ensure good governance. In this context, the Ministry of Home Affairs' action is not merely punishment but a guidance measure to ensure that regional heads understand their roles and duties following national regulations.
- b. Direct Election by the People: Direct election by the people signifies that the regent possesses strong political legitimacy (Syahfei, 2021). However, this legitimacy does not make the regent "immune to the law" or free from administrative sanctions. The interesting point to examine here is the boundary between popular sovereignty and the rule of law. The people elect, but regulations must still be enforced. This can create a conflict of perception between: 1) the view that "the regent is the people's representative," and 2) the reality that "the regent is also a state official." Sanctions from the Ministry of Home Affairs can generate resistance if not communicated effectively to the public, especially if deemed politically motivated. Regional heads who are directly elected by the people possess strong political legitimacy. However, this does not place them above the law or exempt them from oversight. Herein lies the interesting tension: between popular sovereignty (politics) and state oversight (administrative). Sanctions from the Ministry of Home Affairs, although legally based, can evoke political responses from the community if considered excessive or unfair.

- c. Relations Between Central and Regional Government: This case also opens a discussion about decentralization and the concept of centralized power. Does the sanction from the Ministry of Home Affairs indicate overly strong central control? Or is it precisely a form of enforcing good governance? Several aspects can be considered: 1) Is the sanction legally based or politically motivated? 2) What are the mechanisms for objection or appeal by the regional head? 3) Does the DPRD play a role in this process? If there are no fair checks and balances, the central-regional relationship can become unbalanced. Ideally, there should be collaboration and synergy in oversight, not dominance.

Proportionality Analysis of Administrative Sanctions: The Indramayu Case

To strengthen the doctrinal foundation of the Ministry of Home Affairs' intervention, the administrative sanction imposed on the Regent of Indramayu—namely a mandatory three-month ministerial mentorship—must be rigorously evaluated through the lens of the administrative law principle of proportionality (*proportionaliteitsbeginsel*). Assessing the legitimacy of this soft governance measure requires a structured three-pronged evaluation encompassing gravity, less restrictive alternatives, and suitability-necessity standards.

First, in evaluating the gravity of the violation, it must be acknowledged that the Regent's action—traveling abroad without prior official authorization—constitutes a formal breach of administrative discipline and statutory reporting obligations under regional governance laws. While this infraction undermines the administrative chain of command within the unitary state framework, the core legal inquiry centers on whether a three-month physical presence requirement at the central ministry is commensurate with a travel infraction that did not involve financial corruption, abuse of state funds, or structural dereliction of local governance duties.

Second, an examination of *less restrictive measures* reveals a critical gap in the application of existing statutory instruments. Under the tiered framework of administrative oversight, the Ministry of Home Affairs possesses a spectrum of corrective instruments, ranging from written reprimands and formal warnings to tailored administrative guidance. Given that the primary objective of ministerial supervision is corrective education rather than punitive incapacitation, issuing a formal reprimand or enforcing a localized administrative reprimand would have sufficed to uphold discipline without imposing disruptive logistical and political constraints on the governance of Indramayu Regency.

Third, the test of suitability (*geschiktheid*) and necessity (*noodzakelijkheid*) questions whether the three-month mandatory internship effectively achieves the regulatory objective without causing excessive collateral damage to local democratic representation. While the sanction may satisfy the suitability test by offering direct administrative tutelage, its necessity remains legally contentious. Forcing a directly elected regional head to spend designated days away from their constituents for an extended three-month duration risks paralyzing local executive leadership and disproportionately encroaches upon the sphere of regional self-governance. Consequently, for soft governance measures to remain within lawful administrative boundaries, supervisory bodies must ensure that disciplinary actions strictly balance central state control with the preservation of local autonomy.

The introduction of Law No. 23 of 2014 on Regional Governance led to a substantial increase in the power of the Ministry of Home Affairs over regional chiefs and the local administration, combined with key legal constraints based on later rulings of the Constitutional Court (Barus, 2020; Islahuddin, 2024). The mentioned legislation has transformed the legal politics of regional autonomy from a decentralized system to a centralized one, under which the role of regional leaders has become increasingly similar to that of an extension of the central administration (Patoni et al., 2021). In the course of such a centralized system, the Ministry of Home Affairs acquires substantial supervisory powers in terms of policy formulation and oversight of regional governance, thus serving as the mechanism of national integration and administrative control (Barus, 2020; Irwansyah, 2024). Conflicts usually arise due to the interconnection between administrative oversight

and the legitimacy of the direct election of regional chiefs, posing various questions about the exact legal limits of such oversight.

Historically, the Ministry possessed broad attribution powers under Law No. 23 of 2014 to unilaterally cancel regional regulations (*perda*) deemed contradictory to higher laws or the public interest (Barus, 2020; Islahuddin, 2024). This executive control mechanism underwent a fundamental transformation following landmark Constitutional Court rulings—namely Decision No. 137/PUU-XIII/2015 and Decision No. 56/PUU-XIV/2016—which stripped the executive branch of its direct cancellation authority over regional and provincial regulations, shifting the review mechanism entirely to the Supreme Court via *judicial review* (Bahar et al., 2021; Islahuddin, 2024). Although the central government subsequently attempted to adapt through administrative instruments such as Ministry Regulation (Permendagri) No. 120 of 2018 to substitute cancellations with clarification and recommendation procedures, subsequent statutory amendments under the Job Creation Law (*Undang-Undang Cipta Kerja*) further dismantled traditional executive review mechanisms, leaving certain administrative practices legally vulnerable or prone to overlapping interpretations (Tampemawa, 2022).

Moreover, the complexity of the relationship between the center and regions can be observed through cases regarding administrative disciplinary action as well as the nomination of acting regional heads as substitutes, which are regulated under instruments like Permendagri No. 4 of 2023 (Handayani & Ernawati, 2026; Kusnanto, 2024). Although acting regional heads only possess restricted powers based on their mandates and are not allowed to unilaterally change structures and budgets without the written authorization of the minister (Irwansyah, 2024; Pamungkas & Asmorojati, 2023)—critics argue that heavy reliance on ministerial regulations and circulars risks overstepping statutory boundaries and potentially undermining popular sovereignty and regional self-governance (Handayani & Ernawati, 2026; Pamungkas & Asmorojati, 2023). Therefore, the creation of a proportionate legal system is crucial in order for ministerial supervision to be a form of legitimate guidance rather than political domination.

CONCLUSION

From the perspective of administrative law, the exercise of authority by the central government over local authorities must be strictly anchored in the principle of legality (*principle of legality*), ensuring that every administrative instrument possesses explicit statutory attribution. Within a decentralized unitary state, central oversight mechanisms cannot operate in a legal vacuum; rather, they require a harmonious balance between administrative subordination and regional autonomy guarantees. Consequently, supervisory instruments—including educational sanctions or administrative guidance—must adhere strictly to the boundaries of substantive and procedural justice to prevent administrative overreach or abuse of power (*tour de force*). Furthermore, the doctrine of separation of powers and checks and balances dictates that administrative interventions must respect the dual nature of regional heads, who simultaneously function as state administrators and bearers of popular sovereignty derived from local electorates. While administrative law grants the central executive branch the prerogative to enforce compliance and maintain national legal unity, this authority must be exercised proportionately. When legal norms and institutional mechanisms fail to provide clear, predictable boundaries for administrative actions, discretionary measures risk blurring the line between legitimate administrative guidance and unlawful intervention in regional autonomy.

To establish an effective method of operationalizing this classification, the courts and constitutional reviewers must utilize a three-tiered normative approach called the “Principled Legality and Proportionality Test” in assessing executive sanctions imposed against the regional chief executives. The first of these is the Attribution and Mandate Criterion, which mandates that the intervention by the administrative agencies through whatever form—punitive or formative—has to have its explicit roots from an unambiguous statute and not from a broad generalization of the law. The second criterion is the Substantive

Proportionality Criterion, where the proportionality of the administrative sanction (such as a mandatory internship or a reprimand) should be in line with the administrative misconduct, to ensure that the non-punitive instrument is not used as punishment in humiliating or sidelining the duly elected officials. For the establishment of these safeguards in practice, immediate changes in the laws have to be introduced by the legislature in future amendments to Law No. 23 of 2014. The legislature has to define explicitly in the statutes what "administrative guidance" (*pembinaan*) and "administrative coercion" (*paksaan pemerintah*) mean to eliminate the gray area used by the executives to extend their power. Secondly, an independent body to oversee these sanctions issued by the executives to the regional heads before their enforcement has to be set up to balance the excessive power of the executives. With the implementation of these statutory limitations and checks and balances, the state can find a way to balance the demands of national integration and regional autonomy.

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AUTHOR CONTRIBUTIONS

Achmad Sodik Sudrajat: Conceptualization, formulation of the research objectives, development of the central legal arguments, writing of the original draft, and project administration. Muhammad Taufiq: Methodology, analysis of the statutory framework and central-regional government relations, and critical review and editing of the manuscript. Hye Kyoung Lee: Conceptual analysis of public administration and political legitimacy, critical evaluation of the theoretical framework, and review and editing of the manuscript. Taufiq Alamsyah: Identification and organization of relevant legislation, judicial decisions, and scholarly literature; analysis of legal materials; and manuscript revision. Muhammad Asro: Analysis of administrative law principles, assessment of the consistency between the findings and conclusions, and review and editing of the manuscript.

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CONFLICTS OF INTEREST

The authors declare that they have no financial, professional, personal, or institutional conflicts of interest related to this study. There are no competing interests to disclose that could reasonably be perceived as influencing the analysis, interpretation, or presentation of the findings. The collective personal funding provided by the authors, as disclosed in the funding statement, does not constitute a competing interest in the outcomes of the research.

DATA AVAILABILITY

This study is based on documentary legal materials, including legislation, judicial decisions, and published academic literature. The sources supporting the analysis are identified through citations and references in the manuscript and can be consulted through the relevant official publications, legal databases, journal websites, or library collections, subject to their respective access conditions. No original empirical dataset was generated, as

the study employed a normative legal research method involving statutory and conceptual analysis.

AI USE DECLARATION

Artificial intelligence (AI)-assisted tools were used exclusively to assist with reference processing. Their use was limited to supporting the handling of bibliographic information and did not extend to drafting, rewriting, or generating the manuscript's narrative content. The use of AI for reference processing should not be understood as independent verification of the accuracy, completeness, or relevance of the cited sources. Responsibility for the selection and use of references, the accuracy of bibliographic information, and the originality and integrity of the manuscript remains entirely with the authors.

ETHICAL CLEARANCE

This study employed a normative legal research method based on legislation, judicial decisions, and published academic literature. It did not involve human participants, interviews, surveys, experiments, or the collection of identifiable personal data. Accordingly, formal ethical clearance was not applicable to the research design. The ethical responsibilities relevant to this study concern the accurate representation of legal sources, appropriate attribution of scholarly contributions, and transparent presentation of the analysis. Responsibility for maintaining these standards rests with the authors.

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