

Analysis of Decentralization in the Central Government's Acquisition of Provincial Road Management

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Abstract

Infrastructure is a crucial aspect necessary for a state to perform its various functions. One type of infrastructure that plays a vital role in ensuring the smooth mobility of the general public is roads. Unfortunately, in Indonesia, the quality of road networks cannot be described as ideal. The substandard condition of these roads has drawn public concern, particularly following a social media post by a resident of Lampung Province criticizing the quality of roads there. In response to this public attention, the Central Government decided to assume the duties, authority, and responsibility for repairing 15 (fifteen) roads in Lampung Province. This decision has sparked new concerns among the public regarding the centralization of duties, authority, and responsibilities, which could undermine the spirit of decentralization. Based on the findings presented in this article, it can be asserted that the central government's assumption of the duties, authority, and responsibilities of local governments does not violate prevailing laws and regulations and is in accordance with them. Nevertheless, the phenomenon of the central government taking over these responsibilities warrants attention. This case highlights that the Lampung Provincial Government is not entirely capable of managing the tasks mandated by the Central Government. Therefore, from the findings of this case, it is evident that there is still a significant need for the maturation of Regional Governments in fulfilling the duties, authority, and responsibilities entrusted to them.

1. Introduction

Infrastructure is an important tool in carrying out activities. Without a qualified infrastructure, various activities in one area can be hampered or even not carried out at all. One of the important activities that require infrastructure support is the mobility process carried out by individuals, groups, and goods. The existence of mobility-supporting infrastructure itself has a significant and positive impact on a country's macroeconomic performance.¹ In supporting the mobility process on land itself, roads are an indispensable supporting infrastructure. Unfortunately, in Indonesia, the quality of existing roads cannot be said to be in an ideal condition. In this case, for national roads there are 91.81% (ninety-one point eighty-one percent) with stable conditions, for provincial roads there are 74.45% (seventy-four point forty-five percent) with stable conditions, while for district / city roads there are 63.64% (sixty-three point sixty-four percent) with stable conditions.² From these data, it can be seen that there is still a large difference in the quality of roads managed by the Central Government and those managed by the Regional Government.

¹ Skorobogatova, O., & Kuzmina-Merlino, I. (2017). Transport infrastructure development performance. *Procedia Engineering*, 178, hlm. 326.

² Kementerian Pekerjaan Umum dan Perumahan Rakyat. (2022). *Informasi Statistik Infrastruktur: PUPR 2022*. Jakarta: Kementerian Pekerjaan Umum dan Perumahan Rakyat. Hlm. 41-47.

In early 2023, the poor quality of roads had become a public concern. The area of concern here is Lampung Province, where public attention here was triggered by the upload of a resident of Lampung Province. Unfortunately, the upload was responded to harshly by the Lampung Provincial Government. In this case, the uploader was reported to the police for violating the law, and even the uploader's family was also reprimanded directly by the Governor of Lampung. Although the police report was eventually dismissed, the actions chosen by the Lampung Provincial Government in responding to the upload have attracted wider public attention.³

In response to the public attention, as well as the impression of "incompetence" from the Lampung Provincial Government, the Central Government decided to conduct a direct visit on May 4, 2023. As a result, the Central Government made the decision to take over the management of 15 roads with the help of a budget of Rp800 billion. This takeover itself will be carried out through an auction scheme managed by the Ministry of Public Works and Public Housing. (Kementrian Pekerjaan Umum dan Perumahan Rakyat hereinafter referred as to PUPR). In the same agenda, the Central Government here also said that the takeover of duties, authority and responsibility for road repairs here would not be carried out completely, so that both the Lampung Provincial Government and the City or Regency Governments in the Lampung area still had duties, authority and responsibility for other road sections.⁴ However, the choice of this step has created another polemic regarding regional decentralization. The polemics referred to the birth of the view that the decision to take over duties, authorities and responsibilities here will harm the spirit of decentralization that has existed so far.⁵

For the Indonesian context, the implementation of regional decentralization here was carried out in an ambitious manner post-reform through the issuance of Law number 22 of 1999 Concerning the Regional Government (hereinafter referred as to Law No.22/1999), Law Number 25 of 1999 concerning the Financial Balance between the Central and Regional Governments (hereinafter referred as to Law No.25/1999)⁶ FurthermorThrough this process, local governments were given full authority to manage various aspects of their territory, along with the elimination of various vertical relationships between the central government and local governments. The existence of this authority itself did not occur in the pre-reform era, where state power was concentrated in the hands of the central government for the Indonesian context, the implementation of regional decentralization here was carried out in an ambitious manner post-reform through the issuance of Law No. 22/1999 and Law No.

³ CNN Indonesia. (2023, April 17). *Kritik TikToker untuk Lampung dibalas Ancaman, DPR Sentil Polisi*. CNNIndonesia.com. Juni 12, 2023. <https://www.cnnindonesia.com/nasional/20230417061908-12-938556/kritik-tiktoker-untuk-lampung-dibalas-ancaman-dpr-sentil-polisi>

⁴ Humas Kementerian Sekretariat Negara Republik Indonesia. (2023, Mei 5). *Pemerintah Pusat Segera Bantu Perbaiki Ruas Jalan Rusak di Lampung*. Setneg.go.id. Juni 12, 2023. https://www.setneg.go.id/baca/index/pemerintah_pusat_segera_bantu_perbaiki_ruas_jalan_rusak_di_lampung

⁵ Lestari, P. (2023, Mei 22). *Ambil Alih Jalan Rusak Daerah, PUPR Sebut Sesuai Asas Desentralisasi*. BeritaSatu.com. Juni 12, 2023. <https://www.beritasatu.com/nasional/1046207/ambil-alih-jalan-rusak-daerah-pupr-sebut-sesuai-asas-desentralisasi>

⁶ *Ibid*, hlm. 694.

25/1999.⁷ Furthermore, the decentralization process in Indonesia is also an effort to democratize a country from the centralized authoritarian system that took place during the New Order era.⁸ However, the initial process of decentralization in Indonesia was also said to have occurred through a "Big Bang" approach. In this case, the various rights and authorities received by local governments occurred in a very short period of time. As a result, Law No. 22/1999 and Law No. 25/1999 needed to be adjusted, which were eventually replaced by Law Number 33 of 2004 concerning the Financial Balance between Central and Local Governments (hereinafter referred to as Law No. 33/2004)⁹ Furthermore, in 2014, Law No. 32/2004 was replaced by Law Number 23 of 2014 concerning the Regional Government into Law (hereinafter referred as to Law No .23/2014) and Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (hereinafter referred as to Law No. 9/2015). Some provisions in this regulation were also revoked by Law Number 17 of 2019 concerning the Water Resources (hereinafter referred as to Law No.17/2019) and Law Number 1 of 2022 concerning the Financial Relations between the Central Government and Regional Governments (hereinafter referred as to Law No. 1/2022). In addition, Law Number 6 of 2014 concerning the Villages (hereinafrer referred as to Law No. 6/2014) was also issued in 2014. Regarding the financial relationship between the center and the regions itself, it was again changed in 2022 through Law No.1/2022 For more details on the various changes in laws related to decentralization itself, see Table 1.

Table 1. Timeline of Legal Basis for Decentralization Implementation in Indonesia

Local Government	Regional Finance
Law Number 22 Year 199 on Regional Government	Law No. 25/1999
	1999
Law No.32/2004	Law No. 33/2004
	2004
Law No.23/2014	-
	2014
Law No. 6/2014 [^]	
Law Number 2 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2014 on Amendments to Law No. 23/2014 (hrerinafter referred as to Law No.2/2015)*	-
	2015
and Law Number 9 of 2015 concerning the Second Amendment to Law No. 23/2014 on Regional Government (hereinafter referred as to Law No.9/2015)*	-

⁷ Talitha, T., Firman, T., & Hudalah, D. *Op Cit*, hlm. 702.

⁸ Holzhaacker, R. L., Wittek, R., & Woltjer, J. (2016). *Decentralization and governance for sustainable society in Indonesia*. Springer International Publishing. Hlm. 3.

⁹ Talitha, T., Firman, T., & Hudalah, D. *Op. Cit.*, hlm. 695.

Law	Law No.17/2019 **	2019	-
-		2022	Law Law No.1/2022^^

Description:

*amend

**partially repeal

^changing some of the contents of Law No. 32/2004 that are not regulated in Law No.23/2014 ^^changing some of the contents of Law No.23/2014

Research that is in line with this research includes research conducted by Harefa, Mandala. 2019. "As an Infrastructure Development Instrument In Pontianak City (Problems And Effectiveness Of DAK Policy As Infrastructure Development Instrument In Pontianak)," This research discusses the development of development infrastructure (including public services, one of which is public roads) in the city of Pontianak. This research states that as a consequence of the rollout of regional autonomy, regions are given the authority to allocate any transfer funds from the central government for regional development purposes, which means that all development should be handled directly by the regions and no longer by the center. The results of this research are in line with the results of the author's research. Where the author states that the regional government handles infrastructure matters. The results of this research also state that the effectiveness of the use of special allocation funds (DAK) received by the Pontianak City Government in infrastructure development services is considered quite successful. Pontianak City receives DAK for health, education and road and bridge infrastructure, contrary to the results of the author's research. Where, the results of the author's research state that the Lampung Provincial Permprov is considered to have failed in handling infrastructure, namely public roads.

Furthermore, research was conducted by Amadhan, Rizki, and Aidul Fitriada Azhari. "Administration of Regional Government in Concurrent Affairs in the Sector of Basic Services in Serang City" The research results state that the latest regional government law contains regulations regarding the implementation of regional government based on concurrent affairs. Related to this, there are four main problems that occur in the city of Serang. One of them is that the condition and availability of regional infrastructure is not yet optimal. The implementation of regional government is influenced by factors, one of which is the leadership of regional heads in leading and innovation from the region. What this research has in common with the author's research is that they both discuss the problem of infrastructure that is not yet optimal in a region. The difference in the author's findings is that in the research above good governance has been implemented while the author's findings in this article, good governance has not been realized. And research conducted by Harsasto, Priyatno. "Decentralization and Recentralization: Efforts to Balance the Central-Regional Pendulum" This research states that Central Java province has succeeded in increasing bureaucratic capacity in providing public services, in turn increasing government

legitimacy. However, bureaucrats' career development is very dependent on personal rather than institutional relationships. Control of bureaucracy is one of the strategies for surviving politicians who occupy the highest political positions. This research is in line with the aim achieved by the author, namely how the laws that apply in Indonesia handle a problem, but the difference between the results of the author's research and the article above is that the above research on bureaucrat development depends on personal relationships, whereas the author's research found that in the Lampung provincial government, bureaucrats depend on applicable laws.

The various dynamics that exist in the various changes to the Law here indicate that the current division of authority has been adjusted in such a way that the granting of authority to Regional Governments can be accompanied by a maturation process. In addition, as previously described, decentralization here is also the spirit of transition and improved governance from the new order era. For this reason, the decision to take over the construction of roads in Lampung Province is widely seen as undermining the principle of decentralization to restore the new order pattern of governance that adheres to the principle of centralization. Based on this view, the takeover of authority and responsibility for roads in Lampung Province has created its own polemic. In this case, there are people who feel grateful for the central initiative and there are also people who feel that this action undermines the principle of regional autonomy. For this reason, this article will attempt to further explore the validity of the decision to take over the duties and authority of road management based on applicable laws and regulations.

2. Methods

This article was written using doctrinal research methods. This research was carried out by examining rules, norms and principles with related theories in the field of law. The research was carried out by examining library materials or secondary data, so this paper does not present primary data obtained empirically. Therefore, this writing relies on secondary data consisting of primary, secondary and tertiary legal materials. Data from legal materials used are those obtained from research results and library materials, such as statutory regulations, books and legal journals. The data analysis method used in this research is a qualitative method. The qualitative method is a way of analyzing data which is carried out in a descriptive analytical way through writing or description. The data obtained from the results of document analysis are not presented in numbers, but in the form of narrative descriptions in order to examine decentralization in the decision of provincial road affairs by the central government.

3. Results and Discussion

3.1. The Decentralization

In discussing the validity of the takeover of road management duties and authority in Lampung Province based on applicable laws and regulations, we must first understand what is meant by "decentralization". Decentralization, which will be discussed further here, is an effort to divide tasks, authority, and responsibility between government institutions..¹⁰

¹⁰ Rondinelli, D. A. (2006). Decentralization and Development. Dalam A. S. Haque & H. Zafarullah, *International development governance* (hlm. 396-409). Routledge. hlm. 397

Decentralization can also be defined as the transfer or granting of legal and legal authority over decision-making and governance of public institution functions from the Central Government to other institutions either within the Central Government or not.¹¹ Furthermore, the existence of decentralization is also one of the basic principles in the implementation of reforms based on the concept of New Public Management.¹²

The division of tasks, authorities, and responsibilities in decentralization can be divided into four groups, namely, (1) deconcentration, (2) devolution, (3) delegation, and (4) deregulation or privatization. Deconcentration here refers to the division of tasks, authority, and responsibility from a higher-ranking institution to a lower-ranking institution but still within one level (both in the Central Government or Local Government). Devolution here refers to the division of tasks, authorities and responsibilities from the Central Government to the Local Government. Delegation here refers to the division of tasks, authorities and responsibilities from the government to non-governmental organizations.¹³ While privatization here refers to the division of tasks, authorities, and responsibilities from the government to private institutions.¹⁴

In its implementation, decentralization is certainly expected to provide a variety of benefits that are used as the basis for its implementation objectives. In this case, there are at least fourteen objectives and benefits that can be received from the implementation of decentralization. First, delegation is expected to help accelerate the country's development by bringing tasks, authorities, and responsibilities closer to local governments that are considered "closer" to the problem. Second, decentralization is expected to cut down the various bureaucratic complexities that must be faced in the centralized planning and development system of the country. Third, decentralization is expected to become a forum for knowledge transfer between the center and the regions through the placement of central officials in the regions. Fourth, decentralization can increase administrative penetration into remote areas that were previously untouched by the central government. Fifth, decentralization is expected to increase political, religious, ethnic, and tribal representation in decision-making in the use of government-owned resources. Sixth, decentralization is expected to increase the capabilities of local governments and non-governmental institutions followed by the takeover of central government roles that were previously not running optimally. Seventh, decentralization is expected to increase the efficiency of the Central Government by trimming tasks that can be carried out by local governments or non-governmental institutions. Eighth, decentralization is expected to create a more effective structure between institutions and ministries at the center and similar institutions at the regions. Ninth, decentralization is expected to institutionalize community participation in planning and development processes in their communities. Tenth, through the community

¹¹ Rondinelli, D. A. (1981). Government Decentralization in Comparative Perspective. *International Review of Administrative Sciences*, 47(2), hlm. 137

¹² Osborne, D., & Gaebler, T. (1992). *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Reading, MA: Addison-Wesley. Hlm. 250-279

¹³ Rondinelli, D. A. (1981). Government Decentralization in Comparative Perspective. *International Review of Administrative Sciences*, 47(2), hlm. 137-139

¹⁴ Rondinelli, D. A. (2006). *Loc. Cit.*

involvement previously described, decentralization is expected to cut the influence of regional elites who tend to ignore the national development process. Eleventh, decentralization is expected to produce local governments that are more flexible, innovative and creative. Twelfth, the establishment of independent local government structures by the relevant local governments is expected to result in more effective development services and implementation. Thirteenth, through better representation, decentralization is expected to help improve national stability and unity. Fourteenth, the more complex the system of society, economy and governance, the more difficult, expensive and inefficient service delivery will be. By breaking down the concentration of responsibility and authority, it is expected that service delivery can increase in terms of quantity and decrease in terms of cost.¹⁵

The existence of various objectives along with the benefits previously described can be said to be true. This truth can be seen from various previous findings on the impact of decentralization on various aspects of public goods and services. However, based on these findings, it can also be seen that the reality on the ground does not fully match the ideal conditions previously described. The benefits of decentralization can be found in the United States related to clean water access services. In this case, decentralization has a positive impact on the quality of service received by the community¹⁶, The success of decentralization can be measured by several dimensions that influence the values of decentralization in the United States as mentioned above. These include the dimensions of structure, finance, function and personnel.

In Ukraine, decentralization through the establishment of the *Obiednana Terytorialna Hromada* Active formation of these communities started in 2015 and was part of the decentralization reform. Factors in implementing decentralization values such as the example above in Ukraine the Ukrainian parliament adopted the law "On voluntary association of territorial communities" that creates *amalgamated hromadas* meaning settlement councils, rural councils and a city of district significance can create a new administrative unit.^[5] Any amalgamated hromada with a city as an administrative centre is an urban hromada, any amalgamated hromada with an urban-type settlement as an administrative centre is a settlement hromada, and any amalgamated hromada with a village as an administrative centre is a rural hromada.^[6] New local elections in these amalgamated hromadas were then held.

Within the local government proved to be beneficial in facilitating the voice of local communities in using local assets and revenues in accordance with their wishes. However, these benefits have been accompanied by issues such as overlapping authority, ineffective use of budgets, and declining quality of services and public goods in rural areas the adverse effects of the slow implementation of decentralization can be found in the case of Portugal. Portugal, from the adoption of its constitution in 1976 until 2016, still faced the issue of balancing the contents of the constitution with the existing local government system. For

¹⁵ Rondinelli, D. A. (1981). Government Decentralization in Comparative Perspective. *International Review of Administrative Sciences*, 47(2), hlm. 135-136

¹⁶ Leigh, N. G., & Lee, H. (2019). Sustainable and resilient urban water systems: The role of decentralization and planning. *Sustainability*, 11(3), hlm. 13-14.

example, the system of administrative regions had not been established until 2016, which can be seen from the absence of a democratic election process for regional heads. As a result, the development of the quality and capability of local government in Portugal, especially in terms of finance, is still below the Europe Union (EU) average.¹⁷

Regarding national stability as mentioned in the thirteenth point in the previous paragraph, the real benefits of decentralization can be seen in Sierra Leone. The country that just came out of a period of civil war from 1991 to 2002 has now successfully become one of the most stable countries in the West African region through the decentralization process in terms of both administrative authority and fiscal affairs.¹⁸ Regarding national stability as mentioned Similar results can also be found in the implementation of decentralization in Mexico, where the decentralization approach is defined as "the handing over of power to stay in power".¹⁹

In contrast to some of the countries mentioned above, in Uganda decentralization has led to a decline in the quality of public services and goods. This is due to the high dependency of the regions both politically and economically on the central government. This dependency is exacerbated by the incompetence of the local apparatus, rampant corruption, and regional expansion that occurs purely for political purposes.²⁰ If the previous discussion of benefits refers more to the results of the decentralization of administrative authority, for the fiscal authority side, the results provided by the implementation of decentralization are also quite diverse. In this case, fiscal decentralization is proven to provide a variety of benefits such as improving the quality of public services and goods, increasing economic growth, helping to achieve economic stability, reducing social inequality, and reducing regional disparities. However, these benefits also come with its own set of challenges. From these various explanations, it can be seen that the implementation of regional decentralization has produced very diverse results from one country to another. The same can also be found in Indonesia. In this case, decentralization is considered to have a positive impact on various aspects such as health, the reconciliation process with separatist regions, and infrastructure development. The existence of these various benefits, of course, is also accompanied by a variety of separate issues such as the capacity and capability of the Regional Government to the willingness of the Regional Government and regional elites to participate in the process of implementing various policies.^{21,22&23} Moving on from the

¹⁷ Nunes Silva, C. (2016). Political and Administrative Decentralization in Portugal: Four Decades of Democratic Local Government. Dalam C. Nunes Silva dan Ján Buček, *Local Government and Urban Governance in Europe* (hlm. 9-32). Springer. hlm. 27-29.

¹⁸ Edwards, B., Yilmaz, S., & Boex, J. (2015). Decentralization as a Post-Conflict Strategy: Local Government Discretion and Accountability in Sierra Leone. *Public Administration and Development*, 35(1), hlm. 58-59.

¹⁹ Rodríguez, V. (2018). *Decentralization in Mexico: From reforma municipal to solidaridad to nuevo federalismo*. Routledge. Hlm 140-144.

²⁰ Green, E. (2015). Decentralization and development in contemporary Uganda. *Regional & Federal Studies*, 25(5), hlm. 503-504.

²¹ Rakmawati, T., Hinchcliff, R., & Pardosi, J. F. (2019). District-level impacts of health system decentralization in Indonesia: A systematic review. *The International journal of health planning and management*, 34(2), hlm. 1026-1053.

various previous explanations, to ensure the benefits of decentralization, of course there are factors or conditions that need to be maintained.

To ensure the successful implementation of decentralization, there are at least several factors or conditions that must be met. First, the transfer of administrative and fiscal authority must be appropriate in accordance with the interests of the region and the center. In this case, an inappropriate transfer of administrative and fiscal authority from the center to the regions can have an impact on reducing the efficiency of the central government in controlling sources of state revenue and cutting gaps between regions. Second, there needs to be a strong commitment from stakeholders, both political and administrative officials at the center and regions. If this is not realized, the ongoing decentralization can give birth to a central government that is not transparent, local governments that do not embrace the community, and weak public accountability from both parties. Third, effective policy implementation needs to be supported by the development of relevant institutions and improved managerial skills at the local government level. In this case, the absence of the ability and understanding of the Regional Government in implementing will have an impact on the non-realization of policy objectives. Fourth, there needs to be legal clarity regarding the division of authority, duties, functions, relationships and limitations between the Central and Regional Governments. The existence of this clarity is considered important to create the willingness and ability of the Regional Government to implement the policy.²⁴ . In addition, in another presentation, it is also stated that there are at least four factors that need to be met so that decentralization can have a positive impact. These four factors are the diversity of non- overlapping institutional linkages, the existence of political and economic support and capabilities, a qualified national bureaucratic environment, international assistance, stable regional political dynamics, and a focus on the implementation process.²⁵

3.2. Decentralization of Road Management in Indonesia

In carrying out their various duties and authorities, both the Central Government and Regional Governments have their respective duties and authorities, which are detailed in Law No.23/2014 In the Law, the authority of the Central Government and Regional Governments over the roads in their territory is broadly outlined in two areas of division of affairs. First, in terms of the Affairs of Public Works and Spatial Planning, Road Sub-Agency, the Central Government has the duty and authority in developing a national road network system and organizing roads in general and organizing national roads. Meanwhile, the Provincial Government and Regency/City Government, respectively, have duties and authorities in the implementation of provincial and regency/city roads. Secondly, in terms of Transportation Affairs, the Sub-Agency of Road Traffic and Transport (Sub-Urusan Lalu Lintas dan Angkutan Jalan hereinafter referred as to LLAJ) the Central Government has

²² Abdul, Nana. 2023. "Desentralisasi Dan Kompleksitas Masalah Demokrasi Lokal Desentralisasi Dan Kompleksitas Masalah Demokrasi Lokal Decentralization and the Complexity Problems of the Local Democracy," no. December.

²³ Kis-Katos, K., & Sjahrir, B. S. (2017). The impact of fiscal and political decentralization on local public investment in Indonesia. *Journal of Comparative Economics*, 45(2), hlm. 364.

²⁴ Rondinelli, D. A. (2006). *Op. Cit.*, hlm. 404-406.

²⁵ Smoke, P. (2015). Rethinking decentralization: Assessing challenges to a popular public sector reform. *Public Administration and Development*, 35(2), hlm. 101-105.

authority over the establishment of the national LLAJ network master plan, provision of road equipment on national roads, implementation of traffic management and engineering for the national road network, approval of traffic impact analysis results for national roads, and LLAJ safety audits and inspections on national roads. Meanwhile, the Provincial Government has the authority to determine the provincial master plan for the LLAJ network, provide road equipment on provincial roads, implement traffic management and engineering for the provincial road network, approve the results of traffic impact analysis for provincial roads, and audit and inspect LLAJ safety on provincial roads. District/Municipal Governments are authorized to establish district/municipal LLAJ network master plans, provide road equipment on district/municipal roads, implement traffic management and engineering for district/municipal road.

In addition to Law No. 23/2014, the division of authority over roads is also regulated by Law number 38 of 2004 concerning the Roads (hereinafter referred as to Law No 38/2014) on Roads, which underwent the latest amendment through Law No. 2/2022 on the Second Amendment to Law No.38/2004. The law states that control over roads is vested in the state, with the Central Government and Regional Governments as the organizers. Unlike Law No. 23/2014, the regulation on the division of tasks, authorities and responsibilities here extends to the Village Government level. In addition, there is also a grant of authority based on the function and status of the road. For more details on the division of duties, authorities and responsibilities for road management, see Table 2.

Table 2: Division of tasks, authority and responsibility for road section management

	Central Government	Provincial Government	District/City Government
Law No. 23/2014			
1. Affairs of Public Works and Spatial Planning Road Sub-Agency	a. Development of a national road network system. b. General road administration and national road administration.	Implementation of provincial roads.	Implementation of district/city roads.

2	Transportation Affairs Road Traffic and Transportation Sub-Cluster (LLAJ)	<ul style="list-style-type: none"> a. establishment of the National LLAJ network master plan. b. provision of road equipment on national roads. c. implementation of traffic management and engineering for the national road network. d. approval of traffic impact analysis results for national roads. e. road safety audits and inspections on national roads. 	<ul style="list-style-type: none"> a. establishment of the provincial LLAJ network master plan. b. provision of road equipment on provincial roads. c. implementation of traffic management and engineering for the provincial road network. d. Approval of traffic impact analysis results for provincial roads. e. audit and inspection of traffic safety on provincial roads. 	<ul style="list-style-type: none"> a. determination of the master plan for the district LLAJ network. b. provision of road equipment on district roads. c. implementation of traffic management and engineering for district/city road networks. d. approval of traffic impact analysis results for district/city roads. e. audit and inspection of traffic safety on district roads.
Law No. 2/2022				
1	Amend the provisions of Article 8 of Law No.38/2004	Determine the function of public roads (arterial roads, collector roads, local roads, and neighborhood roads) in accordance with their authority.		
2	Amend the provisions of Article 9	Determine the status of roads (national roads, provincial roads, district roads, city roads, and village roads) in accordance with groupings based on their functions and conduct periodic evaluations.		
3	Amend the provisions of Article 13 of	Carry out road implementation in accordance with its authority by paying attention to the continuity of road services in the unity of the Road Network System.		
4	Amend the Provisions of Article 14, Article 15, and Article 16 of	<ul style="list-style-type: none"> a. Development of a national road network system. b. Road management in general (arrangement, guidance, construction and supervision). c. Operation of national roads. 	Organizing (regulating, coaching, building and supervising) provincial roads	<ul style="list-style-type: none"> a. Organizing (regulating, coaching, building and supervising) district/city roads. b. village road arrangements. c. construction of village roads. <p>*Village government Road Administration</p>

(arrangement, coaching, construction and supervision).

Based on the table above in Law No. 23/2014 it can be seen that the division of tasks, authority and responsibilities between the central government, provincial government and district/city governments is different, each has a portion. However, after changes to Law No.38/2004 which stated that control over roads is in the hands of the state, with the central government and regional governments as organizers.

3.3. Transfer of Duties, Authorities and Responsibilities in the Decentralization of Road Management in Indonesia

Looking at the previous explanations, it can be said that the division and separation of duties, authorities and responsibilities between the Central Government and Local Governments in terms of road section management is clear. However, both Law No. 23/2014 and Law No. 2/2022 still facilitate the possibility of one party being unable to carry out its duties, authorities and responsibilities. For more details on the various provisions regarding the transfer of duties, authorities and responsibilities, see Table 3.

Table 3. Various Regulations on the Transfer of Duties, Authorities, and Responsibilities

Setting Sound	
Law No. 23/2014	
Article 92	In the event that the governor as the representative of the Central Government does not carry out the duties and authorities as referred to in Article 91 paragraphs (2) to (4), the Minister shall take over the implementation of the duties and authorities of the governor as the representative of the Central Government.
Article 350 (6) *sanctions here refer to administrative sanctions due to the Regional Head not providing licensing Services	In the event that the written warning as referred to in paragraph (5) has been delivered 2 (two) times in a row and is still not implemented by the regional head, the Minister shall take over the granting of licenses under the authority of the governor and the governor as the representative of the Central Government shall take over the granting of licenses under the authority of the regent/mayor.
Article 364 (3) and (4) *paragraph (3) here refers to cooperation	In the event that the compulsory cooperation as referred to in paragraph (2) letters a through d is not implemented by the Region, the Central Government shall take over the implementation of the cooperated Government Affairs.
across provinces as well as provinces with districts/cities under them, while paragraph (4) is for cooperation across districts/cities within one province.	In the event that the mandatory cooperation as referred to in paragraph (2) letter e is not implemented by the Regency / city, the governor as the representative of the Central Government takes over its implementation.

<p>Article 382 (6) and (7) *refers to the takeover of the implementation of government affairs from low-performing Local Governments that have gone through a coaching process</p>	<p>In the event that the provincial regions and regency/city regions that have been coached as referred to in paragraph (1) and paragraph (2) do not show performance improvement and have the potential to harm the public interest on a widespread basis, the Central Government shall take over the implementation of certain Government Affairs at a cost calculated from the relevant Local Government Budget.</p> <p>The Central Government may delegate to the governor as the representative of the Central Government to carry out Government Affairs which fall under the authority of the regency/city regions that are taken over by the Central Government as referred to in paragraph (6).</p>
Law No.2/2022	
<p>Article 30 paragraph (3) *changed</p>	<p>Some of the activities as referred to in paragraph (2) (preparation of programs and budgets; technical planning; land acquisition; construction implementation; road operation; and/or road preservation) which are the authority of the Central Government and/or Regional Governments in the field of public road construction may be carried out by Regional Governments at the level below and Village Governments in accordance with the provisions of laws and regulations.</p>
<p>Article 33 paragraph (2) and paragraph (3) *changed</p>	<p>The Central Government provides budget support for the construction of Public Roads for Local Governments in accordance with the provisions of laws and regulations.</p> <p>Budget support as referred to in paragraph (2) includes:</p> <ol style="list-style-type: none"> a. ministry/agency expenditure; b. transfers to regions and village funds; c. and/or other financing in accordance with the provisions of laws and regulations.
<p>Article 34 *changed</p>	<p>In managing the Public Road Construction budget as referred to in Article 33 paragraph (1), Central Government, Regional Government, and/or Village governments can develop models service availability-based financing for accelerate the improvement of Road services.</p>
<p>Article 57D paragraph (2) *inserted</p>	<p>The Central Government or Regional Government in accordance with its authority may take over a Special Road to be designated as a Public Road with consideration to:</p> <ol style="list-style-type: none"> a. the interests of national defense and security; b. the interests of national economic development and the development of a region; and/or c. improved service to the community.

As can be seen in Table 3, provisions regarding the takeover of authority and responsibility for road sections can also be found in Law No.2/2022 on the Second Amendment to Law No.38/2004. The law states that control over roads is vested in the state, with the Central Government and Regional Governments as the organizers. In this case, the Central Government is allowed to provide support in the form of a budget for the

development of public roads, which in this Law includes national roads, provincial roads, district roads, city roads, and village roads. In addition, based on the amendment to Article 34, the provision of this budget is also allowed to use the "service availability-based financing" model in order to accelerate service improvement. Furthermore, contains a new regulation on "special roads". Special roads are roads that are built and maintained for their own benefit by state-owned enterprises, regionally-owned enterprises, incorporated and unincorporated business entities, individuals, community groups, and/or Central Government and/or Local Government agencies other than Road Operators. Based on these various explanations, it can be said that assistance and takeover in road management are allowed as long as they are in accordance with the provisions in the laws and regulations.

With the legal basis outlined above, several successes have been achieved by taking over, authority and responsibility for road sections in road management, namely repairing roads that were previously heavily damaged in several areas are now much better. In this case, the Central Government is working on roads at APBN costs through the Lampung National Road Implementation Agency (BPJN) under the Ministry of PUPR, while the Lampung Provincial Government is working on roads at APBD costs through the Highways and Construction Department (DBMBK). The parts of the road carried out by the central government and those carried out by the Lampung Provincial Government are located alternately. In this way, the government will pay more attention to roads in each region.

3.4. Impact of Decentralization o Infrastructure Development

After knowing the boundaries of the division of tasks, authority, and responsibility between the central government and local governments in the management of road sections, in order to answer the research question, it is necessary to understand the existing field conditions. This article will attempt to explain how previous findings state the impact of decentralization on infrastructure conditions in Indonesia, what is the current quality of infrastructure - especially roads, and what are the specific conditions in Lampung Province.

Based on the report of the Ministry of PUPR, in terms of road infrastructure when viewed from the development of quality and quantity from year to year, the existence of the principle of autonomy can be said to help improve both of these.²⁶ This is also in line with Kis-Katos and Sjahrir's findings that the existence of fiscal and administrative decentralization in Indonesia has a positive impact on physical infrastructure development. However, improvements in the quality and quantity of roads cannot be attributed solely to decentralized governance. In this case, although there is an improvement in both aspects, the quality of national roads (91.81%), provincial roads (74.45%), and district/city roads (63.64%) is still quite far apart. Meanwhile, Lampung Province itself has a stability value of 76.04% of the total road section of 1,693.27 KM. This achievement puts Lampung Province in 16th position out of 34 provinces in Indonesia. Seeing that there is still room for improvement from the achievement of road stability in Lampung Province, improving the quality of various road sections that have not yet reached stable status can certainly be done. Unfortunately, in terms of budget, improving the quality of road stability here can be said to have not been a priority for the Lampung Provincial Government. Based on Lampung

²⁶ Kementerian PUPR, *Op. Cit.* hlm. 41.

Governor Regulation Number 7 of 2022 concerning Amendments to Governor Regulation Number 57 of 2021 concerning the Elaboration of the Regional Budget for Lampung Province for the 2022 (hereinafter referred as to LGR No. 7/2021). Fiscal Year, it can be seen that the Lampung Provincial Government here allocates IDR 282,331,552,020.00 for capital expenditures for roads, networks and irrigation.

This amount is only 4% of the total Regional Budget (hereinafter referred as to APBD) for fiscal year 2022. Meanwhile, the largest budget ceiling here is in the allocation of personnel expenditure worth Rp 2,003,656,682,228.69 followed by goods and services expenditure worth Rp1,66 1,5 12,286. 187,29. Furthermore, the range of APBD use for road repairs here is very likely to be at a lower figure, given that the budget grouping is put together for capital expenditure on networks and irrigation. In addition, the lame allocation of APBD for road repair itself also creates its own public concern about the ability of the Lampung Provincial Government to allocate budgets according to the needs of the community.²⁷

The non-prioritization of capital expenditures for roads, networks and irrigation in the Lampung Provincial Government's APBD was exacerbated by public findings related to the road procurement process in the province. The findings here refer to the placement of the address of the winning tender company which is considered fictitious, because when seen in the field the address is a house that has been inhabited since 1988 where the owner of the house who lives states that he is not affiliated with the winning tender company at all. As for the Lampung Provincial Government, this finding was declared as a pure mistake of the tender winner in listing the address, and not a fictitious procurement process as suspected by the community.²⁸ Although it seems suspicious, it does not fully state that the procurement process is fictitious. However, assuming that the Lampung Provincial Government's statement here is true, the fact that a company was able to get through to the winning tender stage without checking the address or location of the registered company shows the incompetence of the Lampung Provincial Government in the ongoing procurement process. This again shows that in the process of decentralization, the regions here cannot be said to fully carry out their role as expected.

3.5. Validity of Assumption of Duties and Authorizations

Regarding the takeover of authority, duties, and responsibilities for 15 road sections in Lampung Province, the Central Government itself claims that the actions taken here are in accordance with applicable statutory provisions. In this case, the process of taking over the duties, authority, and responsibility for repairing provincial roads in Lampung Province itself is claimed by the Ministry of PUPR to be in line with the mandate contained in Presidential Instruction (Instruksi Presiden hereinafter referred as to Inpres) Number 3 of 2023 concerning the Acceleration of Improving Regional Road Connectivity (hereinafter

²⁷ Putri, C. A. (2023, April 17). Membedah APBD Lampung Gegara Viral Banyak Jalan Rusak!. CNBC Indonesia. Juni 15, 2023. <https://www.cnbcindonesia.com/news/20230417110137-4-430523/membedah-apbd-lampung-gegara-viral-banyak-jalan-rusak>

²⁸ Tim detikSumbagsel. (2023, Mei 25). Dalih Pemprov Lampung Soal Rumah Warga Jadi Alamat Pemenang Tender Proyek. Detik.com. Juni 15, 2023. <https://www.detik.com/sumbagsel/berita/d-6736877/dalih-pemprov-lampung-soal-rumah-warga-jadi-alamat-pemenang-tender-proyek>.

referred as to Inpres No.3/2023).²⁹ As for the Presidential Instruction, the takeover handling in the context of acceleration here is only temporary. Meanwhile, the results of the takeover must be handed over by the Central Government through the Ministry of PUPR to the Regional Government.³⁰

In line with this statement and departing from the various previous explanations that can be seen in Table 2 and Table 3, the takeover of duties, authority and responsibility for government affairs related to road sections can be said to be allowed. In the context of the takeover of provincial road sections in Lampung Province, it can be said that it is in accordance with the contents of Article 92 of Law No. 23/2014 and Article 1 point 23 of Law No.2/2022 which amends Part Seven of Chapter IV of Law No.38/2004. This suitability itself is considering the takeover process here which is carried out through procurement to be carried out by the Ministry of PUPR with a budget of Rp800 billion which will then be handed back to the Regional Government. The process can be said to be in line with the contents of Article 92, the takeover here is carried out by the Minister (Minister of PUPR) for duties and authorities that are considered unable to be carried out by the governor as the representative of the Central Government. Next, in Article 1 point 23, the Central Government is allowed to provide support to Local Governments in the process of building public roads, which in this legislation also includes provincial roads. This can be done through a service availability-based financing method to accelerate the improvement of road services. Furthermore, budget support here is allowed to be carried out through ministry/agency expenditures, transfers to regions and village funds, and other financing in accordance with the provisions of laws and regulations. Regarding road works that are then handed back in the form of grants, this is also allowed in Article 295, where grants from the Central Government here are considered as legal regional income and can be in the form of money, goods, and/or other services.

Although it can be said to be in line with the applicable provisions, the process of taking over duties, authorities and responsibilities here is considered to still have to consider various concepts of decentralization.³¹ In this case, the Central Government through the Ministry of PUPR itself states that this action is appropriate and does not violate the principle of decentralization. This also cannot be said to fully violate the principle of decentralization, considering that in the previous explanation of "Decentralization and Its Benefits" the benefits of decentralization can only be realized with various factors or conditions that must be met. In this context, one of the conditions that has not been met is the existence of commitment and managerial capabilities of the Regional Government. This reasoning is based on two findings of the Lampung Provincial Government's actions in handling provincial road affairs here. First, the low budget allocation for road management

²⁹ Chyntia, Dewi Riska, and Suparno. 2022. "Mewujudkan Good Governance Melalui Pelayanan Publik" 7 (1): 78-91.

³⁰ Instruksi Presiden Nomor 3 Tahun 2023 tentang Percepatan Peningkatan Konektivitas Jalan Daerah, hlm. 4.

³¹ Harsasto, Priyatno, Prodi Ilmu Pemerintahan, and Universitas Diponegoro. 2020. "Desentralisasi Dan Resentralisasi: Upaya Menyeimbangkan Pendulum Pusat-Daerah" 5. <https://doi.org/10.14710/jiip.v5i2.8593>.

needs where the majority of the existing budget is absorbed for personnel expenditure needs. This article does not exclude that the low budget allocation itself may occur because the Lampung Provincial Government has budget constraints that force the allocation to be in such a way. However, given that there has been no confirmation from the Lampung Provincial Government on this matter up until this article was written, it is possible to assume that the diversion of budget allocations here is still possible. This possibility is the reason for this article to assume that the Lampung Provincial Government's commitment to improving the quality of the roads it manages is still low, and its managerial capability in allocating the APBD is also not qualified to meet public needs. Secondly, there are winners of road procurement tenders with fictitious addresses. The Lampung Provincial Government itself claims that the company concerned is not fictitious, but the tender winner's error in listing the address. According to this article, this claim shows the lack of managerial skills of the Lampung Provincial Government in the procurement process, where this "company with the wrong address" was able to pass the selection and even win the tender. Based on this finding, this article argues that Lampung Provincial Government still needs a "maturing process" in order to have the capacity and capability to carry out the government affairs mandated to it.

4. Conclusions

Conclusion Diverse from the previous explanation, the transfer of duties, authority and responsibility for 15 (fifteen) provincial roads in Lampung Province from the Regional Government to the Central Government can be said to be appropriate and allowed in the applicable statutory provisions at the time of this writing. However, from a conceptual point of view, the transfer of duties, authority and power also shows the shortcomings of the Lampung Provincial Government in carrying out government affairs related to road sections. This certainly needs to be a special concern, especially considering that this road section will later be handed back to the Lampung Provincial Government. In this case, it can be said that the Lampung Provincial Government still needs to increase its capacity and capability, so that the decentralization carried out can truly benefit the general public in the Lampung Province area.

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