

ABSTRACTS

The distribution of power between the central and local government in Act No. 22 of 1999 has been regulated in article 7. The arrangement of article 7 stated above follows a residual pattern. Such arrangement of article 7 has raised many juridical problems related with both those central authority and local authority.

Materially, Act No. 22 of 1999, has been formulated based on the article 1 (1) and article 18 of the Constitution of 1945. Article 1 (1) ascertained about the form of unity state. Basic assumption which underlies the unity state idea is that all of the governmental authority will be held by the (central) government. The Constitution of 1945 stated that such governmental authority (in a narrow sense) will be given to the President (article 4 (1)). Article 18 has been set forth the foundation for the arrangement of the local governmental which will be based on the decentralization principle (vertically division of authority). In such decentralization principle, the autonomous regions will only be get the overflowed authority given by the central government. Although the Act No. 22 of 1999 was formulated based on the article 1 (1) and article 18, but such regulation didn't regulate about the authority overflows from the government and/or provincial government to the municipal government. Furthermore, according to the arrangement of article 133 of the Act No. 22 of 1999 there is no regulation nullified for the law.

Though the above explanation and discussion, it could be concluded that the arrangement of the central government authority in the Act No. 22 of 1999 has entered the Constitution of 1945's arrangement area, and the arrangement in article 7 has changed the arrangement in the Constitution of 1945. Dualism of law has been occurred with the enacting of the Act No. 22 of 1999, which create the authority conflict in the arrangement of the government matters.