

Law No. 23 of 2014: Between Decentralization and Effective Public Services

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Abstract

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This study aims to analyze the effectiveness and efficiency of implementing Law Number 23 of 2014 concerning Regional Governance and to identify the main challenges in its practical application. Using a normative juridical method, this research examines the alignment between legal norms and their implementation across various public service sectors. The findings indicate that the distribution of authority among the central, provincial, and district/municipal governments has not yet functioned optimally, resulting in overlapping policies and delays in public service delivery. Furthermore, the absence of comprehensive Minimum Service Standards across all sectors contributes to disparities in service quality between regions. The lack of detailed technical guidelines also weakens interinstitutional coordination and reduces the accountability of public services. These conditions demonstrate that the current governance framework requires stronger institutional arrangements to overcome fragmentation and improve administrative performance. Therefore, the formulation of cross-sectoral service standards and the strengthening of regional institutional capacity constitute strategic steps to achieve a more effective, efficient, and citizen.



1. Introduction

The decentralization reform through Law No. 23 of 2014 concerning Regional Government represents a significant milestone in the trajectory of governance in Indonesia. This law emerged as an effort to strengthen regional autonomy and improve the effectiveness and efficiency of government administration at the local level. Its main principle is to encourage regional governments to be more adaptive, accountable, and oriented towards quality public services. According to Martitah et al.¹, legislative reforms like this are part of the legal system transformation based on the principle of good legislation, where every regulation must be able to address the challenges of coordination across levels of government.

The implementation of Law No. 23 of 2014 brought significant changes in the structural relationship between the central and regional governments. The decentralization policy grants broad autonomy, but its implementation faces serious obstacles in aligning the functions and responsibilities between institutions. The study by Pradana² asserts that the distribution of authority is often not followed by strengthening institutional capacity and human resources, thereby hindering the effectiveness of the policy. Consequently, disparities in public service standards between regions remain a fundamental issue.

¹ Martitah Martitah, Arif Hidayat, Rahayu Fery Anitasari, Malik Akbar Mulki Rahman, and Triska Rahmatul Aini. "Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation." *JILS* 8 (2023): 545

² Aditya Wisnu Pradana. "Decentralization practice in developing countries: lessons for Indonesia." *Journal of Governance* 6, no. 2 (2021): 321

One of the main objectives of this law is to ensure equivalent public service standards across all sectors. However, as stated by Nor et al.³, the disparity in service quality between provinces remains high because there is no comprehensive evaluation mechanism for achieving Minimum Service Standards (MSS). Many regions lack the administrative and financial capacity to meet the minimum service standards, which ultimately widens social and economic gaps.

Bureaucratic efficiency is also a primary focus of Law No. 23/2014 implementation. Simon⁴ highlight that bureaucratic reform following the enactment of this law has not fully increased the work efficiency of regional apparatus due to the weak performance accountability system. Meanwhile, supervision of public service institutions at the regional level is still minimal, which impacts the slow response to community needs.⁵

Another emerging challenge is the weak integration between government management systems. In this context, Jimad et al.⁶ emphasize the importance of applying soft systems methodology to improve public sector performance management in Indonesia. This method allows local governments to identify systemic barriers and develop more participatory solutions. This aligns with

³ Rojikin Nor, A. Juli Andi Gani, Choirul Saleh, and Fadillah Amin. "Organizational commitment and professionalism to determine public satisfaction through good governance, public service quality, and public empowerment." *International Review on Public and Nonprofit Marketing* 19, no. 1 (2022): 192

⁴ Simon, B. U. T. T. "The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?" *Asian Journal of Comparative Law* 14, no. 1 (2019): 149

⁵ Arif Budy Pratama. "The landscape of public service innovation in Indonesia: A comprehensive analysis of its characteristic and trend." *Innovation & Management Review* 17, no. 1 (2020): 31

⁶ Habibullah Jimad, Yuningsih Yuningsih, Nova Mardina, and Ryzal Perdana. "Educational Performance Management Model for Higher Education: Soft System Methodology Based Action Research Approach." *International Business and Accounting Research Journal* 5, no. 2 (2021): 149

Triwibowo⁷ idea, which stresses the integration between public administration theory and governance to suppress corruption practices and strengthen government transparency.

In addition to technical challenges, regulatory complexity and weak legislative oversight also constitute major obstacles. Mubarok et al.⁸ indicate that the performance of regional governments is heavily influenced by the quality of financial reports and the magnitude of capital expenditure. When financial management is inefficient, public services are difficult to improve. Meanwhile, according to Retnandari⁹, improving government management in Indonesia is still constrained by slow bureaucracy and a merit system that has not been fully implemented in the state civil apparatus.

In the context of law and public administration, regional government efficiency is measured not only by the speed of service but also by the extent to which policies can deliver tangible results for the community. Sirait et al.¹⁰ mention that the application of good governance principles, such as public participation and open accountability, must be the foundation for strengthening regional governance. Without this foundation, decentralization potentially creates new regional disparities.

⁷ Sugeng Triwibowo. "Public financial management and corruption In Indonesia: a panel cointegration and causality analysis." *Journal of Indonesian Economy and Business* 34, no. 3 (2019): 269

⁸ Danang Andrian Mubarok, Ni Wayan Sintya Galuh Paramita, and Amrie Firmansyah. "Local Government Dependence, Capital Expenditure, and Transparency Level: Moderating Role of Local Government Size." *Substansi: Sumber Artikel Akuntansi Auditing dan Keuangan Vokasi* 7, no. 1 (2023): 27

⁹ Nunuk Dwi Retnandari. "Implementation of strategic planning in regional/municipal governments, obstacles and challenges." *Policy & Governance Review* 6, no. 2 (2022): 159

¹⁰ Debby Mayani Sirait, Lubna Salsabila, Timbul Dompak, and Karol Teovani Lodian. "Realizing Good Governance through the Implementation of Electronic Procurement Services (LPSE) in Batam City." In *Conference on Business, Social Sciences and Technology (CoNeSeINTech)*, vol. 3, no. 1, pp. 140. 2023

Based on this literature review, it can be concluded that the effectiveness and efficiency of implementing Law No. 23 of 2014 still face various structural and institutional constraints. The gap between the legal framework and field execution indicates the need for systemic reform. Therefore, this research is directed to answer two main questions: How effective and efficient is the application of Law No. 23 of 2014 in government administration and public service standards across all sectors. And, what are the main challenges in the implementation of Law No. 23 of 2014, particularly concerning the absence of comprehensive service standards for all sectors, and why is their resolution urgent.

2. Methods

This research employs a normative juridical method, which focuses on the analysis of positive legal norms and their application in the practice of regional government administration in accordance with Law No. 23 of 2014 concerning Regional Government. This method was chosen because it aims to examine the effectiveness and efficiency of the law's implementation from the perspective of law and public administration, as well as to assess the conformity between normative provisions and factual implementation in the field. The normative juridical approach views law not merely as a set of written rules but also as an instrument that directs the behavior of state officials to align with the principles of *good governance*, accountability, and public service efficiency.

Within the framework of this research, the legal materials used are divided into three categories: primary, secondary, and tertiary legal materials. Primary legal materials include relevant legislation such as Law No. 23 of 2014, Law No. 30 of 2014 concerning Government Administration, and various implementing regulations such as Government Regulations and Ministerial Regulations of Home Affairs that govern the division of authority and Minimum Service Standards (MSS). Secondary legal materials encompass previous research findings, scholarly journals, books on government law, and academic publications discussing the effectiveness of decentralization and bureaucratic reform in Indonesia. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that aid in understanding terms and concepts within the context of state administrative law.

This normative juridical approach is also complemented by the conceptual approach and the statutory approach.¹¹ The conceptual approach is used to examine theories of legal effectiveness, decentralization, and governance, while the statutory approach involves systematically reviewing the hierarchy of regulations that form the legal basis for the implementation of Law No. 23 of 2014. Thus, the analysis focuses not only on the text of the law but also on the underlying legal logic and rationality.

The analysis process is qualitative, which involves interpreting legal norms and comparing them with the practice of government administration in various regions. Legal data is analyzed through the technique of legal hermeneutics, which

¹¹ Tunggul Ansari Setia Negara. "Normative legal research in Indonesia: Its originis and approaches." *Auditio Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 3

is interpreting the meaning of articles in the context of real implementation and identifying the gap between the norm and its execution. This technique allows the researcher to understand the extent to which the principles of legal efficiency and effectiveness have been reflected in public policies in the regions.

3. Results and Discussion

3.1. Effectiveness and Efficiency of Implementing Law No. 23 of 2014 in Government Administration and Public Service Standards

The implementation of Law No. 23 of 2014 concerning Regional Government is a crucial step in realizing governance that is more efficient, accountable, and decentralized. However, the effectiveness and efficiency of this law's application still face various structural and implementational obstacles in the field.

One of the fundamental problems lies in the division of government affairs, which consists of absolute, concurrent, and general affairs. In practice, this division often does not proceed according to normative design due to the overlap of authority between the central government, provinces, and regencies/cities. Martitah et al.¹² show that weaknesses in regulatory harmonization lead to inconsistencies in the implementation of cross-sectoral policies, especially in areas requiring coordination between government levels, such as the environment and transportation.

¹² Martitah Martitah, Arif Hidayat, Rahayu Fery Anitasari, Malik Akbar Mulki Rahman, and Triska Rahmatul Aini. "Transformation of the Legislative System in Indonesia Based on the Principles of Good Legislation." *JILS* 8 (2023): 545

This condition is exacerbated by differing interpretations of authority among government levels. For example, in the transportation and business licensing sectors, local governments often await clarification from the central government regarding the limits of their authority before issuing permits or implementing regional policies. This results in service delays and reduces public trust in the effectiveness of regional government. Pradana¹³ found that the lack of clarity in this division of affairs creates slow and overlapping bureaucracy, thereby affecting the efficiency of public services nationally.

From the perspective of public service effectiveness, although Law No. 23/2014 aims to improve regional governance, the quality of service improvement has not been evenly distributed across all sectors. The health and education sectors show positive developments because they have clear and measurable Minimum Service Standards (MSS). However, other sectors, such as transportation, employment, spatial planning, and environment, lack uniform service standards, resulting in significant differences in public service quality between regions.¹⁴ Without clear quality indicators, the effectiveness of public services is difficult to evaluate nationally, and supervision of regional performance achievement becomes limited.

Furthermore, the policy of withdrawing authority in several strategic sectors from regencies/cities to provinces also impacts the decrease in public service

¹³ Aditya Wisnu Pradana. "Decentralization practice in developing countries: lessons for Indonesia." *Journal of Governance* 6, no. 2 (2021): 322

¹⁴ Rojikin Nor, A. Juli Andi Gani, Choirul Saleh, and Fadillah Amin. "Organizational commitment and professionalism to determine public satisfaction through good governance, public service quality, and public empowerment." *International Review on Public and Nonprofit Marketing* 19, no. 1 (2022): 198

efficiency. The initial goal of this policy was to streamline the governance of sectors such as mining, forestry, and maritime affairs to be more consolidated. However, Simon¹⁵ highlight that the bureaucratic process becomes longer because regions must coordinate with a higher level of government before making decisions. This directly affects delays in business permits, forestry oversight, and marine and fisheries activities. Regions lose flexibility in adopting strategic policies that should be executable quickly and adaptively to local community needs.

Moreover, the role of the governor as the representative of the central government in the region, as stipulated in Law No. 23/2014, has not functioned optimally. The governor is expected to be a link between the central government and regencies/cities in ensuring the synchronization of public policies. However, the lack of technical instruments, mechanisms for evaluating regional performance, and cross-sectoral service standards limits the effectiveness of this coordinative function. Pratama¹⁶ explains that the weak public oversight system at the regional level hinders the application of the principle of efficiency, as provincial governments lack uniform data and parameters to assess the performance of regencies/cities. Consequently, public services across regions remain unequal and difficult to integrate.

The problem of coordination among government institutions is also a major cause of the low efficiency of regional government administration. Jimad et al.¹⁷

¹⁵ Simon, B. U. T. T. "The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?" *Asian Journal of Comparative Law* 14, no. 1 (2019): 149

¹⁶ Arif Budy Pratama. "The landscape of public service innovation in Indonesia: A comprehensive analysis of its characteristic and trend." *Innovation & Management Review* 17, no. 1 (2020): 27

¹⁷ Habibullah Jimad, Yuningsih Yuningsih, Nova Mardina, and Ryzal Perdana. "Educational Performance Management Model for Higher Education: Soft System Methodology Based Action Research Approach." *International Business and Accounting Research Journal* 5, no. 2 (2021): 148

emphasize that a systemic approach is needed to improve public sector performance management through soft systems methodology, thereby being able to identify cross-sectoral coordination barriers participatively. This approach is important for reducing policy duplication among agencies and accelerating public service processes. Meanwhile, Mubarok et al.¹⁸ highlight that the efficiency of public services is closely related to regional financial management. The low quality of financial reports and legislative oversight causes many regions to be unable to implement performance-based governance.

Besides technical and institutional issues, the culture of bureaucracy also influences the effectiveness of decentralization implementation. According to Retnandari¹⁹ , the inconsistent application of the merit system and bureaucratic reform slows down the professionalization of regional apparatus. Officials who lack the technical competence in managing cross-sectoral affairs cause public service standards not to be optimally achieved. In line with this, Triwibowo²⁰ emphasizes the importance of integrating public administration theory and governance to strengthen accountability and suppress the potential for policy deviations.

Overall, the implementation of Law No. 23 of 2014 has clarified the structure of government authority division but has not yet succeeded in creating an effective and efficient system in cross-sectoral public services. The persistence of overlapping

¹⁸ Danang Andrian Mubarok, Ni Wayan Sintya Galuh Paramita, and Amrie Firmansyah. "Local Government Dependence, Capital Expenditure, and Transparency Level: Moderating Role of Local Government Size." *Substansi: Sumber Artikel Akuntansi Auditing dan Keuangan Vokasi* 7, no. 1 (2023): 29

¹⁹ Nunuk Dwi Retnandari. "Implementation of strategic planning in regional/municipal governments, obstacles and challenges." *Policy & Governance Review* 6, no. 2 (2022): 161

²⁰ Sugeng Triwibowo. "Public financial management and corruption In Indonesia: a panel cointegration and causality analysis." *Journal of Indonesian Economy and Business* 34, no. 3 (2019): 272

authority, weak inter-regional coordination, lack of data integration, and non-uniform service standards indicate that the effectiveness of this regulation is not yet maximized. Strengthening institutional capacity, developing a performance evaluation system based on national service standards, and synchronization across government levels are needed so that the main goal of decentralization, which is the equitable improvement of public service quality, can be genuinely realized throughout Indonesia.

3.2. Challenges in Implementing Law No. 23 of 2014 and the Urgency of Establishing Comprehensive Service Standards in All Sectors

The application of Law No. 23 of 2014 concerning Regional Government is still confronted with a number of key challenges that directly affect the effectiveness and efficiency of regional governance. One of the most prominent problems is the absence of comprehensive service standards across all sectors. Many public service sectors such as health, education, transportation, licensing, agriculture, and environment do not have uniform and binding Minimum Service Standards (MSS). This condition causes the quality of service to vary between regions, depending on the fiscal capacity, infrastructure, and political commitment of each local government.

The research by Nor et al.²¹ shows that these differences are most apparent in health and education services. As a concrete example, in some regions, health

²¹ Rojikin Nor, A. Juli Andi Gani, Choirul Saleh, and Fadillah Amin. "Organizational commitment and professionalism to determine public satisfaction through good governance, public service quality, and public empowerment." *International Review on Public and Nonprofit Marketing* 19, no. 1 (2022): 196

facilities have full-time emergency services, while in other regions, similar facilities are only open during certain hours due to limitations in medical personnel and logistics. The same occurs in educational services, where some areas have implemented digital-based learning systems and measurable quality assessments, while other areas still lack teaching staff and basic infrastructure. This condition shows that without uniform national standards, the public's right to obtain quality public services cannot be fulfilled equally.

These inter-regional service quality gaps not only affect public satisfaction but also raise issues of equity in the provision of public services. Pradana²² affirm that differences in establishing local development priorities, without clear MSS references, cause the disparity to widen. For instance, in public transportation services, in one region the public can access integrated public transportation with digital systems, while in another region public transportation is still limited and irregular due to minimal guidance from the center on service provision. This gap indicates that the effectiveness of regional autonomy has not been balanced by a consistent public service performance evaluation system.

The second challenge is the lack of clarity in technical guidelines for the division of authority between the central government, provinces, and regencies/cities, especially following the withdrawal of several strategic authorities to the provincial level. This change in authority includes sectors such as mining, forestry, maritime affairs, and secondary education. Although normatively intended

²² Aditya Wisnu Pradana. "Decentralization practice in developing countries: lessons for Indonesia." *Journal of Governance* 6, no. 2 (2021): 325

to strengthen supervision and avoid policy overlap, in practice, many regions experienced administrative confusion due to the lack of Standard Operating Procedures (SOP) and clear coordination mechanisms between government levels.

A clear example of this situation is seen when a number of business permits and public services previously managed by the regency/city government had to be reapplied for at the provincial level. This transition process delayed services to the community and businesses for months because new implementation guidelines were not yet available. In many cases, regional officials were hesitant to make decisions without official instructions from the government level above them. Consequently, economic activities dependent on technical licensing or supervision were temporarily halted, causing losses to the community and businesses. Simon²³ note that this administrative and cross-sectoral coordination unpreparedness is what made the implementation of Law No. 23/2014 inefficient in the field.

Another problem arising from the absence of technical guidelines is the weak coordination among government institutions and sectors. Pratama²⁴ explains that without an integrated mechanism, various agencies at the local level often execute policies based on their own interpretation of the law. This creates the potential for policy duplication, data differences between institutions, and slow public decision-making. For example, in the environmental sector, the process of supervision and reporting of industrial activities that could previously be done quickly at the regency

²³ Simon, B. U. T. T. "The Indonesian Constitutional Court: Reconfiguring Decentralization for Better or Worse?." *Asian Journal of Comparative Law* 14, no. 1 (2019): 151

²⁴ Arif Budy Pratama. "The landscape of public service innovation in Indonesia: A comprehensive analysis of its characteristic and trend." *Innovation & Management Review* 17, no. 1 (2020): 29

level becomes complicated because it has to go through cross-agency approval at the provincial and central levels. This situation demonstrates that decentralization not accompanied by clear operational guidelines actually creates the opposite effect: public services become slower and bureaucracy becomes longer.²⁵

The urgency of solving these two challenges cannot be postponed because they directly affect the quality of public services and the effectiveness of regional government. Jimad et al.²⁶ emphasize the importance of reforming the government management system based on inter-agency collaboration so that the execution of authority can be more efficient. Meanwhile, Mubarok et al.²⁷ highlight that without clear performance indicators and evaluation standards, the central government finds it difficult to objectively assess the effectiveness of regional policies. Consequently, public accountability decreases and the potential for deviation increases.

Thus, the establishment of cross-sectoral service standards and integrated technical guidelines becomes an urgent step to ensure that decentralization truly results in an effective, efficient, and public-serving regional government. As concluded by Retnandari²⁸, the formulation of cross-sectoral service standards is a crucial step to ensure that all regions have uniform performance benchmarks, which

²⁵ Arif Setiawan, Prijono Tjiptoherijanto, Benedictus Raksaka Mahi, and Khoirunurrofik Khoirunurrofik. "The impact of local government capacity on public service delivery: Lessons learned from decentralized Indonesia." *Economies* 10, no. 12 (2022): 323

²⁶ Habibullah Jimad, Yuningsih Yuningsih, Nova Mardina, and Ryzal Perdana. "Educational Performance Management Model for Higher Education: Soft System Methodology Based Action Research Approach." *International Business and Accounting Research Journal* 5, no. 2 (2021): 149

²⁷ Danang Andrian Mubarok, Ni Wayan Sintya Galuh Paramita, and Amrie Firmansyah. "Local Government Dependence, Capital Expenditure, and Transparency Level: Moderating Role of Local Government Size." *Substansi: Sumber Artikel Akuntansi Auditing dan Keuangan Vokasi* 7, no. 1 (2023): 29

²⁸ Nunuk Dwi Retnandari. "Implementation of strategic planning in regional/municipal governments, obstacles and challenges." *Policy & Governance Review* 6, no. 2 (2022): 167

can be supervised and evaluated nationally. Therefore, policy refinement and the acceleration of public service standard formulation are necessities that cannot be delayed to realize an effective, efficient, and just regional government for all Indonesian communities.

4. Conclusion

The implementation of Law No. 23 of 2014 concerning Regional Government has brought a new direction in decentralization and bureaucratic reform in Indonesia. Conceptually, the law is designed to create governance that is more effective, efficient, and accountable, and to ensure that public services can be enjoyed equally by the community. However, the analysis results indicate that implementation in the field is not yet fully optimal. The division of authority among the central, provincial, and regency/city governments still frequently overlaps, thereby slowing down the service process and reducing bureaucratic efficiency.

Furthermore, the absence of comprehensive Minimum Service Standards (MSS) across all sectors causes inequality in service quality between regions. Many public sectors such as transportation, licensing, agriculture, and the environment lack uniform operational standards, so regions execute policies based on their own capacity and priorities. This condition impacts low accountability and makes objective evaluation of regional government performance difficult. Therefore, concrete steps are needed in the form of formulating cross-sectoral service standards, harmonizing technical guidelines across government levels, and strengthening regional institutional capacity. Without these steps, the effectiveness

and efficiency that are the main goals of Law No. 23 of 2014 are difficult to realize comprehensively, and the ideal of regional autonomy to improve community welfare will not be achieved.

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