

Juridical Analysis of Legal Political Construction Management of Regional Assets to Affirm the Principle of People's Sovereignty: A Case Study at the Tanjung Pinang Mayor's Office

¹Petty Novita Sari; ²Laily Washliati; ^{*3}Fadlan

¹⁻³ Faculty of Law
Universitas Batam, Indonesia



Abstract – Disposal of assets is the last process in the life of the Regional Property. Disposal of regional property is a follow-up process rather than the management of the regional property itself, intending to release the management of regional property that has met the criteria. The problem with this research concerns the legal arrangement in the construction of legal politics to manage the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). Then, its application in the construction of legal politics for managing the disposal of regional assets strengthens the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). After that, the factors that become obstacles and explain solutions to the construction of legal politics for the management of the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). Therefore, this study aims to explore the legal arrangements for the construction of legal politics to manage the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). It was to generate an in-depth understanding of the implementation of juridical analysis in the construction of legal politics to manage the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). Finally, to identify factors that become obstacles and solutions to overcome them in the construction of legal politics for the management of the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). This study uses a descriptive method with a normative approach (legal research) to obtain primary data through field research. The results show that the legal arrangements in the legal political construction of managing the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) have in principle been implemented according to regulations. However, there are still obstacles in the field. In particular, the Program Implementing Bureaucratic Structure. Therefore, for the office of the regional audit board of finance and assets, it is better to improve the clarity and smoothness of communication between its employees so that managing regional assets operates effectively and optimally.

Keywords – Management, Disposal, Regional Owned Assets, Riau Island, Indonesia.

I. INTRODUCTION

The State of Indonesia may be classified as a constitutional state, as stated at the beginning of the 1945 Constitution of the Republic of Indonesia in framing the state's goals. Normatively, the Republic of Indonesia's goal is to advance public welfare and attain social justice (Said, 2016). The goal of Indonesian legal development is to achieve a fair and democratic rule of law by developing a national legal system that serves the interests of the people and the country within the framework of the Unitary State

of the Republic of Indonesia. Moreover, to protect all people and the nation, as well as the Indonesian homeland, to advance public welfare, educate the nation's future, and to contribute to the establishment of a world order founded on independence, eternal peace, and social justice, as outlined in Pancasila and the Republic of Indonesia's 1945 Constitution. In this respect, the Fourth Amendment to Article 33 of the 1945 Constitution of the Republic of Indonesia states the following:

- The economy is structured as a joint effort based on the principle of kinship.
- Production branches that are important to the state and affect the livelihood of the people are controlled by the state.
- Earth, water, and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.

Article 33 of the 1945 Constitution of the Republic of Indonesia clearly states that the state controls the essential production branches, earth, water, and natural resources contained therein. However, during the reign of President Megawati, many actions were taken to privatize state assets, both for State-Owned Enterprises and other state-owned companies. This action is not always beneficial to the government and the people of Indonesia. On the contrary, the privatization of state assets by private individuals and foreigners could harm the nation. If most of the previously generated dividends by SOEs go directly to the state treasury, the government will automatically only receive income from taxes by shifting ownership of assets, even though the nominal value obtained from taxes is still too small compared to the income of SOEs when they were still under the control of the government itself.

Procurement activities are needed in government activities and are used as a means of public service activities. The planning of their needs should have to adjust the procurement of these goods, the goods to be purchased, and the use of these goods to support regional activities. Regional property (regional owned goods) are all goods whose acquisition method is charged to the State/Regional Revenue and Expenditure Budget or goods obtained from other legitimate acquisitions. This case is explained in Article 1 Paragraph (1) and (2) of Government Regulation Number 6 of 2006 concerning State/Regional Property management.

In other words, state property/wealth is movable goods/immovable goods owned/controlled by government agencies which are partially or wholly purchased at the expense of the State/Regional Revenue and Expenditure Budget or through other legitimate acquisitions which are not included in separate state assets (managed by State-Owned Enterprises) and local government assets. Regional property is a state asset where the management is not only for the administrative process but also must pay attention to efficiency, effectiveness and create added value in managing these assets.

Based on Government Regulation Number 6 of 2006 concerning the Management of State/Regional Property, which has received refinement with Government Regulation Number 38 of 2008, and Regulation of the Minister of Home Affairs Number 17 of 2007 concerning Technical Guidelines for the Management of Regional Property, which explains that what is referred to as property area is as follows:.

- Regional property
- Goods purchased or obtained at the expense of the Regional Revenue and Expenditure Budget; and
- Goods derived from other legitimate acquisitions;
- The goods as referred to in paragraph (1) letter b
- Goods obtained from grants or donations or the like;
- Goods obtained as part of the implementation of the agreement/contract;
- Goods obtained under the provisions of the law; or
- Goods obtained based on court decisions that have obtained permanent legal force.

Regional officials who have the authority to manage existing goods have the task of supervising and managing these goods and using them according to their designation and function. Managing these goods is carried out; thereby, the existing regional property is maintained and used according to its function. A thing that can not be avoided by continuous use, coupled with a maintenance

action that is not serious, will cause the condition of the goods to be damaged, both light damage and heavy damage. If such a condition occurs, then the deletion process is essential. Disposal of regional property is often an option for authorized officials, considering that damaged regional property, especially heavily damaged goods, will increase the burden of the maintenance budget if it continues to be on the list of goods.

Disposal is the last process in the life journey of regional property. Disposal of regional property is a follow-up process rather than the management of the regional property itself, intending to release the management of the regional property which has met the criteria for an action to be removed from liability. The administration of physical goods that are in the management of the goods treasurer or goods manager or goods user based on the provisions of the applicable laws and regulations. (Fransika, 2007). The disposal in the regulation of the Minister of Home Affairs No.17 of 2007 concerning technical guidelines for the management of regional property. It is stated in article 53 that the disposal of regional property includes the removal from the list of goods of the user and the user's proxy and the removal of goods from the list of regional property. It is further explained in article 54 that the disposal of the regional property is carried out if the regional property is no longer in the control of the user and the user's proxy, the goods have changed ownership due to destruction, or for other reasons, the disposal is carried out by the decision of the regional head who acts as the property manager.

The disposal of regional property is one form of a proper governance process. The standard principles of proper governance can be understood as general principles that serve as the basis and procedures for the proper administration of government, in which the administration of government is carried out in a suitable, polite, fair, and honorable manner, free from injustice, violation of regulations, abuse of authority, and arbitrary actions (Ridwan, 2002).

The problem regarding the disposal of regional property is a problem that can not be taken lightly. Because if there are goods that are under the management and control of a government agency, it does not pay attention to the issue of the disposal of regional property. A condition may arise in which goods that have not been deleted can not be used or even contribute to operational activities of the work of the government. It will indirectly burden maintenance costs because of the procurement of state-owned goods and their management disposal. This case is the reason why it is necessary to take action to disposal regional property. In other conditions, it is the opposite, where the regional property has been registered for an action to be removed, but in the physical condition of the goods, it is not visible, either because it is heavily damaged or for other reasons.

The theory of popular sovereignty states that the highest power in a country is in the hands of the people. This theory seeks to balance the sole power of the king or religious leader. Thus, the theory of popular sovereignty states that this theory is the basis of democratic countries. The agreement specifies that the individual give a mandate to the state or government. The people's mandate is given so that the government has the authority to manage the country based on the constitution set out in the "pactum subjectionis" (Wiyono, 2016).

This case is a problem that is serious enough to need attention, and it is necessary to take appropriate action to overcome such problems. The goods that have been included in the list of goods to be deleted are essential goods that are not suitable for use, either because the goods are damaged or because there is an event that results in the need to remove the goods from the list of goods, so that if they remain on the list of goods, they will burden operational costs or maintenance costs, especially for moving goods. Why are academics interested in learning more about how the Tanjung Pinang Mayor's Office will dispose of regional property? The following issues may be posed against this backdrop:

What is the legislative framework for managing the disposition of regional assets to support the Indonesian people's sovereignty?

How does the execution of the legal and political framework governing the management of regional assets contribute to strengthening the concept of popular sovereignty? (A Case Study at the Tanjung Pinang Mayor's Office)?

What are the impediments/obstacles, and the legal remedies, to managing the disposition of regional assets to promote the concept of popular sovereignty? (A Case Study at the Tanjung Pinang Mayor's Office)?

Following the problems described above, this study has several objectives. (1) Exploring the legal arrangements for managing the disposal of regional assets to strengthen the principle of the sovereignty of the Indonesian people. (2) Exploring the implementation of the legal, political construction of the management of the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). (3) Exploring obstacles factors and solutions from

the construction of legal politics for the management of the disposal of regional assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office).

The research is expected to make theoretical and practical contributions. Theoretically, the research results will contribute to the development of legal science, especially the construction of legal politics in the management of the disposal of regional assets. This research will benefit the Tanjung Pinang District Court and the Tanjung Pinang Mayor's Office. The contribution to this agency is, for example, in carrying out work efficiently because the study results will explain the legal and political construction of managing the disposal of regional assets. Practical contributions to the community, for example, the construction of legal politics in the management of the disposal of regional assets. Since the results of this study will provide explanations and guidelines regarding the laws and regulations applied to the management of the disposal of regional assets.

II. LITERATURE REVIEW

Theoretical constructs (concepts), definitions, and propositions allow a systematic examination of events via identifying relationships between variables, intending to comprehend and forecast occurrences (Sugiyono, 2013). A theory is a structured set of ideas, definitions, and propositions that flow via logic or reasoning (Sugiyono, 2013). Generally, the function of theory is used to aid in the understanding, predicting, and regulation of symptoms. A study's theory must be precise since the theory's goal is to define and refine the scope or construction of the variables to be examined, generate hypotheses, build research instruments, and predict and uncover facts about the topic being studied. Theories contain claims about particular phenomena, which must be verified via research. Research refers to a thorough, methodical, and persistent scientific activity that focuses on analysis and production (Soekanto, 2007). It is essential to consider the theoretical framework when writing scientific papers, since it offers direction for addressing research problems. The theoretical framework enables researchers to develop relevant normative concepts and explain the research variables and their relationships.

The theory of utilitarianism initiated by Jeremy Bentham is used as the Grand Theory. This case is a form of reaction to the conception of natural law. Bentham criticized the conception of natural law for assuming that natural law is not fixed. Bentham explores the periodical movement from the abstract, idealistic, and a priori to the concrete, materialist, and fundamental. His concept puts benefit as the primary goal of the law. The measure is happiness for as many people as possible. The assessment of good or bad, fair or not, this law depends on the extent to which the law can provide happiness to humans or not.

According to Bentham, the essence of happiness is enjoyment and a life free from misery. The basic principles of Bentham's teachings are as follows. The purpose of the law is to guarantee happiness to individuals, then too many people, the greatest happiness of the greatest number. This principle should be applied qualitatively because the quality of pleasure is always the same. In order to realize the happiness of individuals and society, legislation must achieve four objectives: (1) to provide a living; (2) to provide a living with abundant food; (3) to provide protection; and (4) to achieve equality.

Good laws will be those that benefit the largest segment of society. Additionally, Bentham believes that the state and the law are simply a means to an end, namely most people's pleasure. Although individualistic, Bentham's doctrine is nevertheless concerned with the community's interests to prevent conflicts between the interests of one person and those of another, and therefore must be restricted to avoid *homo homini lupus*. According to Bentham, each person has a sympathetic attitude toward other people to foster individual pleasure and communal happiness. The law's purpose is to give the greatest pleasure to the greatest number.

Without a doubt, Bentham's thesis has flaws. In order to begin, abstract and doctrinal reasoning hinders us from viewing individuals as a complex totality comprised of elements of materialism and idealism, nobility and lower class, and egoism. This case caused Bentham to exaggerate lawmakers' authority and undervalue the importance of individualizing discretion and flexibility in implementing the law. His naive confidence in the universality and principles of scientific codification was so strong that he labored with the same zeal across national and historical boundaries. Second, it results from Bentham's inability to articulate his notion of a balance between individual and societal interests. Bentham thought that unfettered individual interests inevitably resulted in the interests of society, but he did not attempt to explain why this was the case. However, what Bentham conveys has significant historical significance in the development of legal thought. Bentham connected the philosophical rationale to the postulates of practical law, established individualism on a new materialistic basis, linked the rights of the self-aware individual to the happiness of a large number of individuals who face the same demands in society, and laid the groundwork for fusing law and philosophy. Focusing on practical social goals rather than abstract propositions laid the groundwork for fusing law and philosophy.

Lawrence M. Friedman's Legal System Theory serves as a bridging theory. According to this idea, the efficiency and success of law enforcement are contingent upon three components of the legal system: the structure of the law, the content of the law, and the legal culture. Law enforcement personnel are subject to the legal framework. The legal substance consists of legislative instruments, while the legal culture consists of a society's lived law. The legal system's structure is comprised of the following elements: the number and size of courts, their jurisdiction, which includes the kinds of cases they are allowed to hear, and the process for resolving disputes between courts. Additionally, structure refers to how the legislative is structured, what the president is authorized to do and is not authorized to do, and the processes followed by the police. Thus, the legal structure, which comprises existing legal institutions, is designed to carry out the provisions of existing legal instruments.

Talcott Parsons' Integrative Law Theory is utilized as an Applied Theory. According to this view, before the legal system can successfully perform its integrative role, four (4) issues must be addressed. Legitimacy will serve as the foundation for adhering to the regulations. Interpretation will include defining the subject's rights and responsibilities via the establishment of specific norms. Sanctions specify which penalties will be imposed in the event of compliance and which sanctions will be imposed on rule enforcement, including who will apply the sanctions. Jurisdiction is a term that refers to the lines of authority that can enforce legal standards.

1.1 Juridical Analysis

An analysis is the process of synthesizing large amounts of raw data and then grouping or isolating the relevant components and pieces to connect the gathered data to solve the issue. An analysis is an effort to systematically characterize patterns in data so that the analysis's findings may be examined, translated, and given meaning. Juridical is a legal term that refers to anything that is recognized by law; it is based on the law and the elements that comprise the order and impact its offenses. Juridical is also a legal term that refers to a technique deemed legal due to its application in the form of rules, habits, ethics, and even morals that serve as the foundation for evaluation.

In this research, juridical analysis refers to the process of identifying and breaking down the components of an issue for further examination and then relating them to the law, legal rules, and legal standards applicable to problem resolution. The juridical analysis aims to compile pertinent laws and other supporting documentation to develop findings as remedies or answers to issues. The objective of the juridical analysis exercise is to develop a mentality for resolving legal issues, particularly those involving law enforcement in the purchase of products and services.

1.2 Legal Construction

Legal construction is a way of filling the void between in-laws and regulations with legal principles. Construction (Legal engineering) consists of three forms: analogy (abstraction), determination (Legal refinement), and argumentation (Argumentum a contrario).

1) Analogy applies a legal provision to a situation the same as the situation explicitly regulated by the aforementioned legal provision. However, the appearance or form of its manifestation (legal form) is different, according to Article 1576 of the Civil Code, which says that buying and selling do not decide the lease.

2) Legal refinement, namely by not applying or applying the law differently than the existing written legal provisions, or treating the law in such a way (subtly) as if no party is to blame.

3) Argumentum a contrario is an expression of denial of the opposite. For example, in marriage law, there is a provision for a woman who has been divorced from her husband. She is not allowed to marry another man before 300 days have passed. This provision does not apply to men.

1.3 Management of Regional Owned Assets

Management of the disposal of regional property is a form of the proper governance process, and the general principles of proper governance can be understood as the basis and procedures for proper governance. In this way, the administration of the government will be good, polite, fair, and honorable, free from injustice, violation of regulations, abuse of authority, and arbitrary actions.

1.4 People sovereignty

People's sovereignty is a system that places the highest power in a country in the hands of the people. People's sovereignty gives people the opportunity to regulate their lives and make public officials their representatives. People's sovereignty shows the idea that the best in society is what is considered reasonable by everyone.

III. RESEARCH METHODS

The research method is a scientific activity that entails a methodical approach to comprehending a topic or object of study to arrive at scientifically justified and valid answers (Ruslan, 2003). This research method may be used to investigate the subject of study within the area of legal science. Specifically, legal research is classified into normative and sociological or empirical legal research, depending on the study's kind, nature, and aim (Ruslan, 2003). This kind of legal research is referred to as normative legal research or doctrinal legal research. It is referred to as doctrinal legal study since it is limited to written rules and other legal documents.

Additionally, it is referred to as document research since it is conducted using secondary data from the library. The study's authors used secondary data sources, which are data acquired or collected by researchers from existing sources. Secondary data is gathered via library research to provide a theoretical foundation. As a result, the authors of studies on this research established the parameters for normative legal research, which is backed up by empirical sociological research (HS Salim, 2014).

1.5 Location, population, and sample

This study was located at the Mayor's Office in Tanjung Pinang. The research population consists of employees of the Mayor's Office in Tanjung Pinang. Purposive sampling was employed to choose the sample for this research. This method of collecting samples is constrained by specific goals, such as limited time, effort, and expense, and therefore can not collect many samples.

1.6 Techniques and Tools for Data Collection

The authors collected data for this research using an open interview method. Conduct open interviews in which direct questions and responses are taken from a list of already created and prepared questions (Soekanto, 2008). The authors gathered information from various sources, ranging from the head of the Tanjung Pinang Mayor's Office to members of the staff. Additionally, all secondary data was collected through the library. After obtaining and collecting data, such as the findings of interviews and library resources, it is re-examined for completeness and clarity. Additionally, the data management process is carried out by assembling and categorizing data to facilitate data analysis.

1.7 Analyses of data

Data analysis is a step in the research process that identifies and solutions to research issues (Soekanto, 2008). There are two distinct approaches to data analysis: qualitative and quantitative. This study evaluated the data collected via a literature review (legal research) and field investigations using qualitative data analysis. The positive law study technique was utilized in this study to make decisions based on the facts from this research. This case is a deductive (generic) to inductive (particular) approach, which implies that it is utilized to supplement the normative system established via data gathering and inventory activities.

IV. DISCUSSION & CONCLUSION

Construction Law Regulations Political Law Management of Regional Assets to Affirm the Principle of People's Sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) are contained in several laws and regulations, namely the Minister of Home Affairs Regulation Number 17 of 2007 concerning Technical Guidelines for the Management of Regional Property, Government Regulations No.27 of 2014 concerning Management of State/Regional Property, Presidential Regulation Number 4 of 2015 concerning the Fourth Amendment on Procurement of Goods and Services, and Regional Regulation Number 3 of 2014 concerning Management of Regional Property.

The implementation of the construction of legal politics for the management of the disposal of regional-owned assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) has been running as it should, but there are still obstacles in the field. In practice, the regional assets/properties (Regional Owned Goods) in the regional secretariat of the Riau Islands Province are still not implemented, which is optimal because several things hinder the implementation of the

disposal at the regional secretariat of the Riau Islands Province. Factors that affect the management of regional assets/property in the Regional Secretariat of the Riau Archipelago Province are often found in disposal. The number of damaged goods in the regional secretariat has increased. It has caused the storage capacity of goods or warehouses to be complete and unable to accommodate the capacity of damaged goods due to the absence of a Governor Regulation regarding the disposal of regional property.

Constraints/Barriers and Solutions in the Development of Legal Politics for the Management of Regional Owned Assets to Strengthen the Principle of People's Sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) is a lengthy administrative procedure.

The administrative procedure followed to reach regional property disposal at the Tanjungpinang City Secretariat was lengthy. Resources were critical in ensuring that policies were implemented successfully—the administrative organization of program implementers. The bureaucratic system is genuine/explicit in light of the environment in which it exists, the incompleteness of ownership/acquisition papers, and the physical ambiguity of the severely damaged regional property recommended for disposal.

V. SUGGESTIONS

Arrangements for construction politics law on managing regional-owned assets to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) should be entirely controlled by a single legislation that rigorously controls Regional Owned Assets management. Implementation of political-legal structures for regional asset management deletion to strengthen the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office) should improve communication and coordination between executors of the regional property disposal process. It ensures that the process operates within the applicable legal framework, improving performance, and enhancing resource availability by providing adequate facilities and infrastructure. Constraints/barriers and solutions for political-legal construction management of regional assets to affirm the principle of people's sovereignty (A Case Study at the Tanjung Pinang Mayor's Office). It is hoped that the office of the regional audit board of finance and assets will improve clarity and smooth communication among its employees. The objective is to ensure that administering regional property is as efficient as possible while expanding resources in terms of personnel, information, and authority. This case enables the policy of disposal of regional property to be handled by competent human resources while simultaneously increasing bureaucratic fragmentation among its members. This case ensures that staff and workers carry out their primary responsibilities, functions, and powers appropriately.

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