

Legal Harmonization in Regional Development Planning: A Pathway to Good Governance

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Abstract

Local governments are currently grappling with the complex effects of globalization and decentralization. These dynamics have led to serious challenges, such as overlapping regulations and incompatibility between central and local policies. These issues can significantly impede the effectiveness of development initiatives. This research is focused on the crucial role of legal harmonization in addressing these challenges and enhancing coordination between government sectors and institutions. The ultimate goal is to foster an inclusive and equitable environment in regional development planning. The research methodology involves a qualitative approach with descriptive analysis, incorporating a literature review and interviews with stakeholders, including local government officials. The data collected provides a comprehensive overview of the current state of legal harmonization in the context of regional development planning. The research findings underscore the significant benefits of legal harmonization. It not only enhances inter-agency coordination but also reduces policy conflicts and increases accountability in the planning process. Moreover, legal harmonization fosters community participation in decision-making, particularly in identifying local needs and formulating policies to address them. This active involvement of the community results in the creation of policies that are more responsive to community needs. To further enhance legal harmonization in regional development planning, it is crucial to strengthen the harmonization mechanism through training for government officials, establishing guidelines for regulatory interpretation, and increasing transparency in the planning process. These steps are expected to significantly improve governance.

Keywords: Legal Harmonization, Regional Development Planning, Good Governance, Public Policy

INTRODUCTION

Decentralization is one of the essential strategies the central government takes to improve public welfare (Dick-Sageo, 2020). Decentralization transfers powers, responsibilities, and resources that the central government initially managed to local governments (regional autonomy). Granting autonomy to local governments allows them to have flexibility in planning and implementing development based on the potential and needs of local communities (Pratchett, 2004). Regional autonomy allows local governments to develop policies that are more relevant and responsive to local conditions (Irawan et al., 2019). By understanding the characteristics and needs of the community, local governments can design more targeted development programs (Rodríguez-Pose & Wilkie, 2017). For example, regions rich in natural resources can focus on developing the agricultural or tourism sectors,

while regions with industrial potential can focus on developing infrastructure and labor.

The 1945 Constitution of the Republic of Indonesia, a cornerstone of our governance, regulates the authority of regions to enact regional regulations in the context of implementing regional autonomy. The provincial, district, and city governments, guided by the principles of autonomy and assistance tasks, regulate and manage their government affairs. The legal basis for the authority of local governments in stipulating local regulations is enshrined in Article 18, paragraph (6) of the 1945 State Constitution. This article grants the Regional Government the right to establish local regulations and other regulations to implement autonomy and assistance tasks. The stipulation of these regional regulations is a testament to the importance of the 1945 Constitution in supporting the central government programs in the regions and regional government programs in implementing regional autonomy, especially in conducting development planning in the regions.

However, the persistence of misalignments or legal disharmony between central and regional policies, as outlined in regional regulations, remains a significant challenge (Hairun et al., 2023). Many development plans carried out by local governments are still haphazard, often in the form of copy and paste from the previous year and do not focus on the expected results of development policies desired by the central government (Green, 2009; Salim & Hudalah, 2020). This situation not only hampers the optimal execution of development planning but also impedes the enhancement of community welfare, underscoring the urgent need for improvement.

For this reason, legal alignment or harmonization is needed so that there is harmony and compatibility between laws and regulations concerning philosophical, juridical, and sociological values as an integral part of the national legal system. It is essential so that national development planning can run well by the principles of good governance, which include three basic tasks of government: ensuring the security of every individual and society, managing effective structures for the public, private, and community sectors, and advancing economic, social, and other fields for the benefit of the people (Botchway, 2001).

Based on the above concept, legal harmonization can serve as a means to ensure that all local government policies and actions comply with higher regulations, support each other, and contribute to sustainable development goals (Ferrazzi, 2022; Sopykhanova et al., 2023). Therefore, it is essential to examine how legal harmonization can be applied in local development planning to achieve good governance and be more responsive to community needs. By exploring the relationship between legal harmonization and good governance, this research is expected to provide valuable insights for policymakers, academics, and practitioners in the field of governance and development.

The results of this research are expected to serve as a reference to improve the effectiveness of regional development planning, which in turn will contribute to the improvement of people's welfare and sustainable development in Indonesia for the realization of a prosperous nation-state by the purpose of the establishment of the state, as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

RESEARCH METHOD

This qualitative study allows researchers to explore and understand the phenomenon of legal harmonization in regional development planning in depth. This type of research is descriptive-analytical research that aims to describe and analyze the practice of legal harmonization in regional development planning and its impact on good governance. The research sources come from primary and secondary data. Primary data is obtained from interviews with local government officials. Meanwhile, secondary data was obtained from documents, reports, and literature on legal harmonization, development planning, and governance. It includes laws and regulations, policy reports, and previous studies (Noor, 2023). The data collection techniques used in this research are comprehensive and meticulous, mainly conducted through interviews and documentation studies. We collect and analyze relevant documents, such as local regulations, policy reports, and statistical data relating to development planning, leaving no stone unturned in our quest for understanding. The collected data will be analyzed using a qualitative approach to the research focus.

RESULT AND DISCUSSION

The Concept and Urgency of Legal Harmonization in Regional Development Planning

Legal harmonization is essential in building an effective and efficient legal framework in regional development planning (Syahlan, 2021). Harmonization etymologically refers to a process that starts from an effort towards or realizing a harmonious system (Hosen & Rosmidah, 2021). Harmony also means harmony, suitability, compatibility, and pleasant balance (Chu & Moore, 2020). From a legal perspective, harmonizing laws and regulations is a process to harmonize the concept, substance, and formulation in a draft regulation, both in the internal parts of the draft (such as the body and explanation) with existing regulations and other drafts being prepared (Marikar, 2023; Syahlan, 2021). The goal is to create an integrated unity that aligns with other laws and regulations (Surya & Wahab, 2023).

Legal harmonization should be carried out at the planning stage (legislation planning) and law formation through the law-making process (Chandra et al., 2022). Harmonization of draft laws includes two main aspects: first, harmonization of draft law material with Pancasila and the 1945 Constitution of the Republic of Indonesia, and second, conformity of draft laws with regulatory drafting techniques, including structure, language, and form (Martitah et al., 2023; Muhapilah et al., 2023). This harmonization is necessary to produce quality regulations containing specific moral values, not contradictory, integrated into the national legal system, and have a vision and sustainability so that the legal norms in the regulations are in harmony and support each other within the framework of the national legal system.

The ideal step in harmonizing the legal system is to harmonize the elements of the legal order that apply within the framework of the national legal system, including legal material, legal structure and its institutions, and legal culture. This harmonization must create a synergistic relationship between the three components. Therefore, the basic steps in legal harmonization must be based on the Pancasila paradigm, the concept of the rule of law, and the principles of constitutional government in the 1945 Constitution. In addition, it is also important to emphasize the role of the community's sense of justice. By doing so, we ensure that the resulting law can reflect the needs and values that live in the community, making them feel that their values and needs are respected in the process.

1. Identification and Analysis of Regulations: The initial step is to identify and analyze regulations that have the potential to overlap or conflict. For instance, regulations related to land use and environmental protection overlap. This analysis includes an assessment of each regulation's content, intent, and implications to determine whether there are inconsistencies or discrepancies between existing legal norms.
2. Alignment of Legal Substance with Basic State Principles: Legal harmonization must be carried out concerning the national legal system's basic principles, such as Pancasila and the 1945 Constitution. This alignment ensures that the substance of the law remains consistent with the fundamental values of the state and avoids contradictions within the national legal framework.
3. Assessment of Legal Drafting Techniques: Legal drafting techniques must also be considered so that the resulting regulations have a clear structure and language that does not cause multiple interpretations. The use of consistent language, determination of the form of rules, and a systematic regulatory structure are essential parts of legal harmonization.
4. Public Participation and Community Aspirations: Public participation is not just a step, but a crucial element in the process of legal harmonization. It is the key to accommodating the aspirations and needs of the community in laws and regulations. This can be achieved through public consultations, open forums, or even direct involvement of community representatives in the drafting process. By involving the community, we ensure that the laws formulated are not only in accordance with national principles, but also relevant to the needs of the community, making them feel integral to the process.
5. Coordination between Government Institutions: Legal harmonization requires strong coordination between relevant institutions to create harmony between the various regulations issued by each institution. This coordination also serves to ensure that the regulations produced are in line with broader national policies, providing reassurance about the adaptability of the legal system.
6. Periodic Monitoring and Evaluation: Legal harmonization requires not just implementation, but also periodic monitoring and evaluation. This is crucial to assess whether the regulations implemented are still relevant and consistent with the development of society. By doing so, we ensure that the legal system is adaptable and responsive to changes in social, economic and political conditions, making the audience feel reassured about the adaptability of the legal system.

These legal harmonization steps must also be carried out in the regional development planning process as outlined in regional regulations. At least three critical reasons exist for harmonizing draft regional regulations related to regional development planning. First, local regulations are a sub-system in the national legal system based on Pancasila and are in the hierarchy of laws and regulations. Local regulations must be interdependent and unite with other sub-systems as part of a more extensive system. Second, local regulations can be tested through the Supreme Court (through judicial review) or the Government, in this case, the Minister of Home Affairs (executive review). Therefore, harmonizing local regulations is an important preventive step to prevent annulment by the Central Government and avoid filing a petition for review to the Supreme Court. Third, harmonizing regional regulations is crucial to ensure legal certainty in forming regional regulations, thereby providing a secure legal framework for the regional planning process.

Based on these reasons, therefore, legal harmonization in regional development planning plays a very crucial role. Without careful planning, regional development will not be able to achieve the goal of people's welfare. Kuncoro states that planning is a continuous process that includes decision-making or selecting alternative resources to achieve specific targets in the future (Kuncoro, 2012). In line with this, Kunarjo defines planning as preparing decisions to be implemented to achieve specific goals (Kunarjo, 2002). In short, planning is a continuous process that serves as a measurable guide to achieve specific goals by selecting the best alternatives based on available resources.

Referring to this concept, development planning is the process of formulating various alternatives or decisions based on available data and facts, which are then used to direct various community activities, physical (material) and non-physical (mental and spiritual), to achieve better goals. Based on Law No. 25/2004 on the National Development Planning System, this process includes four main stages: plan preparation, plan establishment, plan implementation control, and plan implementation evaluation.

- a. The regional development planning and stipulation stage: this stage aims to integrate regional development plans into the national development framework. Prepared by the regional apparatus in charge of coordinating, synergizing and harmonizing the entire process, this development planning is carried out using technocratic, participatory, political approaches, as well as top-down and bottom-up mechanisms. The principles of transparency, efficiency, accountability and sustainability are fundamental in its preparation to accelerate development, especially for underdeveloped regions. The main documents of regional development planning include the 20-year Regional Long-Term Development Plan (RPJPD), the 5-year Regional Medium-Term Development Plan (RPJMD), and the 1-year Regional Government Work Plan (RKPD). The RPJPD outlines the long-term vision of the region with guidance from the RPJPN and regional spatial planning, while the RPJMD includes goals, policies, and a funding framework for five years that is aligned with the RPJPD and RPJMN. The RKPD, on the other hand, is an annual plan that is aligned with national strategic priorities, ensuring that regional development is in sync with the larger national development strategy. The RPJPD and RPJMD are stipulated through regional regulations, while the RKPD through regional head regulations. Delays in stipulating these regulations will be subject to administrative sanctions in the form of a three-month deduction of financial rights for the regional head and Regional House of Representatives. Evaluation of draft regional regulations is conducted by the governor as the representative of the central government, who ensures their conformity with the RPJPN, provincial policies, and the public interest through a thorough review process involving multiple stakeholders.
- b. The stage of controlling and evaluating the implementation of regional development plans: This stage includes three important aspects: first, control in formulating regional development planning policies; second, implementation of development plans; and third, evaluation of the results achieved. The governor, as the representative of the Central Government, is primarily responsible for controlling and evaluating development at the district level. Meanwhile, regents or mayors also have similar roles in their respective regions, working under the guidance and oversight of the governor. Local government organizers are expected to involve community and private sector participation in the development process, recognizing their invaluable role in shaping the future of the region. To encourage this involvement, organizers can provide incentives or facilities to the community and investors, in accordance with applicable regulations and based on existing statutory provisions.

Each regional apparatus also prepares a strategic plan aligned with the RPJMD, including goals, objectives, and programs according to their functional duties. This strategic plan is then used as a guide for preparing the RKPD and adjusting national development programs carried out by related ministries or institutions. Thus, this structured regional development planning is expected to deliver sustainable development that is aligned with national goals and effectively and efficiently meets local needs.

The Impact of Legal Harmonization of Regional Development Planning on Good Governance

Legal harmonization in regional development planning plays a pivotal role in empowering local governments, granting them the authority to steer development in a more controlled and directed manner (Briffault, 1990). This is achieved through the alignment of various laws and regulations at the central and regional levels that govern the planning, implementation, and evaluation of development policies. With legal harmonization, local governments gain clearer guidelines for executing development programs, thereby reducing regulatory conflicts that often impede the development process (Cerdas et al., 2022).

Legal harmonization in regional development planning can also be seen in several crucial aspects. First, legal harmonization improves coordination across sectors and between government institutions. When regional policies are aligned with national policies, development governance can run more effectively and efficiently. Local governments can run development programs with full support from various parties, including central agencies, so there are no overlapping tasks or conflicting policies. It creates the synergy needed to achieve development goals comprehensively.

Second, legal harmonization facilitates better resource management. With a harmonized legal framework, local governments can more easily identify, allocate, and utilize resources, be they financial, human, or material. Transparent and accountable budgeting and expenditure processes can be implemented, allowing the public to see how public funds are used for development. It also encourages public participation in monitoring the use of the budget, strengthening government accountability (Sary et al., 2024).

Third, legal harmonization in regional development planning is instrumental in reducing conflicts between different policies. In many cases, non-harmonized policies can create confusion at the field level and lead to inefficiencies in implementation. With harmonization, these conflicts can be minimized so that the implementation of development programs can run smoothly. For example, environmental policies at the local level are in line with national regulations. In that case, all stakeholders will have the same understanding of the rules and restrictions that must be adhered to, ultimately increasing the effectiveness of implementing development programs.

Fourth, legal harmonization provides a strong foundation for protecting human rights in the context of development. With clear and harmonized regulations, local governments can ensure that all development policies pay attention to and protect the community's rights, especially those of vulnerable groups. It includes access to education, health, and other public services, which are the fundamental rights of every individual. When these rights are protected within the legal framework, people feel more confident about participating in the development process, which in turn supports the creation of a more inclusive and equitable society.

Fifth, legal harmonization is not just about rules and regulations, but also about fostering innovation and local economic development. With legal certainty, large and small businesses feel safer investing and developing their businesses. For example, policies supporting the creative economy sector will be easier to implement if a transparent and integrated legal framework exists. It creates jobs and increases regional competitiveness in the national economy, paving the way for innovation and progress.

Legal harmonization plays a vital role in regional development planning (Sudrajat et al., 2018). Legal harmonization contributes to development effectiveness and efficiency through improved cross-sector coordination, better resource management, reduction of policy conflicts, and protection of human rights. For instance, it can ensure that all development projects adhere to labor laws, preventing exploitation and ensuring fair wages. It creates a conducive environment for community participation. Thus, local governments can more easily achieve sustainable development goals that are fair and equitable for all levels of society based on the principles of good governance, namely transparency, accountability, participation, effectiveness, efficiency, and

the rule of law. Legal harmonization in regional development planning has a significant positive impact on achieving good governance (Rahmani & Mirzadeh Kooreshahi Candidate, 2013). The impact can be seen in several key aspects:

- 1) **Reduced Conflict and Enhanced Policy Effectiveness:** Legal harmonization creates alignment between central and local regulations and between sectoral policies. It strengthens inter-institutional coordination and synchronization, ensuring that regional development goals are directed and do not overlap. With harmonized rules, policy implementation becomes more effective and reduces potential regulatory conflicts, providing a more secure and confident environment for development.
- 2) **Legal Certainty and Transparency:** Legal harmonization clarifies the regulatory framework, providing legal certainty for regional development actors from the government and the community. It also increases transparency in regional development planning and implementation so that the public can clearly understand government policies and support the public accountability process.
- 3) **Efficiency of Resource Management:** Resource allocation can be done more efficiently with mutually supportive regulations. Managing budgets, infrastructure, and human resources becomes more appropriate based on the priorities set in the regional development plan. It reduces wastage and increases productivity.
- 4) **Strengthening Public Trust:** Legal harmonization also encourages the application of the principle of participation by involving the public in the preparation of development plans. It makes local governments more accountable to the public, as policies are produced by the aspirations of local communities, strengthening public trust in the government and fostering a more positive and optimistic outlook on the regional development process.
- 5) **Development of Sustainable Development:** Legal harmonization integrates sustainable development principles into local development policies, ensuring that every decision considers long-term environmental, economic, and social impacts. With this, local governments can safeguard the sustainability of local resources and anticipate negative impacts of development that are detrimental to the future.

In addition, legal harmonization in regional development planning also strengthens transparency and accountability, where the public can more easily monitor and evaluate the steps taken by the government thanks to a clear regulatory framework. It aligns with the principles of good governance, where community participation in development is emphasized. Good governance is an agreement between the government, civil society, and the private sector that includes establishing mechanisms, processes, and institutions to channel people's aspirations, protect legal rights, fulfill obligations, and bridge differences in interests.

Thus, harmonizing regional development planning law is one of the pillars for realizing good governance, where the supremacy of law is a fundamental principle. The supremacy of law means that all government actions and decisions must be based on applicable laws. In this context, the supremacy of law is realized through three main things: first, all regulations must be consistent with the 1945 Constitution of the Republic of Indonesia as the constitution and higher law, ensuring that no regulations conflict with the basic principles of law. Second, fair and consistent law enforcement without discrimination ensures that all citizens, including public officials, are subject to the same law. Third, protecting human rights guarantees everyone is treated fairly and equally before the law.

The principle of inclusiveness and justice in legal harmonization is also fundamental. All people, including vulnerable groups, must benefit from government policies. In this case, legal harmonization can support inclusiveness by ensuring a fair distribution of resources, providing policies that pay special attention to vulnerable groups such as women, children, and people experiencing poverty, and ensuring equal access to legal protection and justice. Overall, legal harmonization in regional development planning facilitates the achievement of good governance by creating a more coherent, responsive, and community-focused system. By integrating the principles of good governance in regional development planning, local governments can create good governance that supports sustainable development and the welfare of the wider community.

However, the challenges in harmonizing laws to achieve good governance are complex. One of the main obstacles is the overlapping regulations between the central and regional governments (Herlambang, 2024). This condition often triggers conflict and inefficiency in implementing policies in the field. Therefore, the Head of the Revenue, Financial Management, and Regional Assets Service (DPKAD) suggested the need to identify and document

overlapping regulations for revision and consolidation. This collaborative effort, involving all levels of government, aims to make existing regulations more harmonious and consistent, thereby reducing the potential for conflict. In addition, differences in the interpretation of regulations between the central and regional governments are also major problems that often hinder policy implementation. The Head of the Legal Section of Pekalongan Regency emphasized the importance of clear and detailed interpretation guidelines to reduce this misunderstanding. He also emphasized the need for government officials to gain training and education to deepen their understanding of applicable regulations (Herlambang, 2024). With the interpretation guidelines and increased capacity through training, it is hoped that the understanding and application of regulations can be more consistent, conflict can be reduced, and more effective policy implementation can be supported to realize people's welfare.

CONCLUSION

Legal harmonization in regional development planning is crucial in realizing good governance. It increases the effectiveness and efficiency of implementing development programs by creating harmony between regional and national policies. This process encourages cross-sectoral and inter-institutional coordination, thereby reducing overlapping tasks and policy conflicts that can hinder the achievement of development goals. Legal harmonization provides a strong foundation for protecting human rights and better resource management, ensuring that all groups in society, especially the vulnerable, benefit from development. In this context, transparency, accountability, and community participation become inseparable principles, creating a responsive and inclusive environment. This emphasis on inclusivity and responsiveness makes the audience feel more engaged and involved in the process. Thus, efforts to harmonize laws in regional development planning are not only about fulfilling the legal aspect but also a strategic step towards achieving sustainable development that is fair and just. Implementing effective legal harmonization will strengthen governance, ensuring that development policies and programs can be realized optimally and have a significant positive impact on community welfare.

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