

ABSTRAK

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 mengatur keberadaan Pemerintahan Daerah pada umumnya dan Pemerintahan Daerah yang sifatnya khusus dan istimewa, diantaranya Provinsi DIY, Provinsi DKI Jakarta, Provinsi Aceh, Provinsi Papua, dan Provinsi Papua Barat. Kekhususan dan keistimewaan diberikan karena daerah tersebut memiliki nilai sejarah di samping untuk menjaga eksistensi sebagai negara kesatuan. Hal ini kemudian menarik untuk diteliti mengingat Pemerintahan Daerah yang bersifat khusus dan istimewa diatur dengan undang-undang tersendiri, berbeda dengan Pemerintahan Daerah pada umumnya. Oleh karena itu, penelitian dilakukan untuk memaparkan kedudukan Pemerintahan Daerah yang bersifat khusus dan istimewa menurut UUD NRI 1945 dan menganalisis perbedaan penyelenggaraan kewenangan Pemerintahan Daerah yang bersifat khusus dan istimewa dengan Pemerintahan Daerah pada umumnya menurut UU Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Metode penelitian yang digunakan adalah metode penelitian normatif. Adapun pendekatan yang dilakukan adalah *statue approach* (pendekatan perundang-undangan) dan *historical approach* (pendekatan sejarah).

Hasil penelitian ini menunjukkan, bahwa Indonesia mengakui keberadaan Pemerintahan Daerah yang bersifat khusus dan istimewa sebagai salah satu Pemerintahan Daerah dalam Negara Kesatuan. Pemerintahan Daerah yang bersifat khusus dan istimewa memiliki kedudukan yang sejajar dengan Pemerintahan Daerah pada umumnya. Meski memiliki kedudukan yang sejajar, daerah-daerah tersebut memiliki perbedaan dalam hal kekhususan dan keistimewaan yang diberikan oleh Pemerintahan Pusat kepada Pemerintahan Daerah yang bersifat khusus dan istimewa dalam menjalankan urusan rumah tangganya. Salah satunya adalah pengaturan secara tegas perlindungan terhadap kesatuan-kesatuan hukum adat beserta hak-hak tradisionalnya. Hal ini berbeda dengan Pemerintahan Daerah pada umumnya yang diatur dengan UU Nomor 23 Tahun 2014 tentang Pemerintahan Daerah.

Kata Kunci : Negara Kesatuan, Pemerintahan Daerah, Pemerintahan Daerah yang Bersifat Khusus dan Istimewa.

ABSTRACT

The constitution of Republic Indonesia 1945 regulate the general regional governments and special regional governments that are special and privileged, including Yogyakarta, Jakarta, Aceh, Papua, and West Papua. Specificity and privileges are given because the area has historical value in addition to ensuring the existence of a unitary state. That is why it is very interesting to be analyzed considering the regional governments which is special and privileged governed with their own separate legislation, unlike the general regional governments. Therefore, this study were performed to describe the position of Local Government that is special and privileged by the Constitution NRI 1945 and analyze the differences in the organization of the authority of the Regional Government which is special and privileged by the general Regional Government, according to Law Number 23 Year 2014 on Regional Government.

This study used normative method research using The approach taken is a statue approach and the historical approach

The results of this study indicate that Indonesia recognizes the existence of Local Government which is special and privileged as one of the Regional Government of the Unitary State. Local Government which is special and privileged have a parallel position to the general regional government. Despite having a parallel position, these areas have differences in terms of specificity and privileges granted by the Central Government to the Local Government particular and special in running the household affairs. One of them is explicitly setting the protection of customary law entities and their traditional rights. This is,contrast with the general Regional Government which are regulated by Law No. 23 Year 2014 on Regional Government.

Keywords: Unitary State, Local Government, Regional Governments Special character and Specialties.

ABSTRACT

Constitution of the Republic of Indonesia Year 1945 regulate the presence of the Regional Government in general and the regional governments that are special and privileged, including the Province of Yogyakarta, Jakarta, Aceh, Papua province, and the province of West Papua. Specificity and privileges given because the area has historical value in addition to ensuring the existence of a unitary state. It is then interesting to study considering the Regional Government which is special and privileged governed by separate legislation, unlike the Regional Government in general. Therefore, studies were performed to describe the position of Local Government that is special and privileged by the Constitution NRI 1945 and analyze the differences in the organization of the authority of the Regional Government which is special and privileged by the Regional Government in general, according to Law Number 23 Year 2014 on Regional Government.

The method used is the method of normative research. The approach taken is a statute approach (approach legislation) and the historical approach (historical approach).

The results of this study indicate that Indonesia recognizes the existence of Local Government which is special and privileged as one of the Regional Government of the Unitary State. Local Government which is special and privileged have a position parallel to the regional government in general. Despite having a parallel position, these areas have differences in terms of specificity and privileges granted by the Central Government to the Local Government besides particular and special in running the household affairs. One of them is explicitly setting the protection of customary law entities and their traditional rights. This is in contrast with the Regional Government in general are regulated by Law No. 23 Year 2014 on Regional Government.

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