

## **Policy And Regulatory Impact On Educational Implementation (Study In The Kutai Kartanegara District Area)**

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### **Abstract**

*This research will examine factors that are thought to influence the level of poverty in Kutai Kartanegara Regency, including, community income, education/literacy rates, employment/unemployment, and government policies. The research method used in this research is the empirical normative legal research method. The results of the research show that policies regarding education matters, apart from complying with statutory regulations, are also in the form of commitment from the Regional Head and Deputy Regional Head, namely the Regent and Deputy Regent of Kutai Kartanegara for the 2019 - 2024 period, must be implemented by the OPD in charge and have a strong legal umbrella. The justification for this program is not enough to include it in the Regional Regulation which regulates the RPJMD of Kutai Kartanegara Regency. The Kutai Kartanegara Regency Government's commitment to increasing human resources through education, especially formal education, is trying to set an education budget allocation of 20% of the APBD. Budgeting has been proven by Kutai Kartanegara Regency from 2019 to 2023. The budget allocation has exceeded 20% of the APBD. Basic education which is the authority of the Regency/City, Education Management, Curriculum, Educators and Education Personnel, Educational Licensing, Local Curriculum.*

**Keywords : Policy, Regulation and Education.**

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## **INTRODUCTION**

Poverty is a condition of human life and even society where basic needs are not met properly. The basic needs are at least food, clothing and shelter. Almost no one disputes that education is a pioneer in developing a nation's future. If a nation's world of education has failed, then that nation's destruction is just a matter of time. Because, education involves building character and at the same time maintaining the human identity of a nation. So, for every nation that wants to progress, developing the world of education is always a top priority. Many poor people experience stupidity or experience stupidity even systematically. Therefore, it is important for us to understand that poverty can result in stupidity, and stupidity is clearly synonymous with poverty. To break the chain of cause and effect above, there is one key element, namely education. Because education is a means of eradicating ignorance and poverty (Gamal Abdul Aziz, 2016).

According to Todaro, development is not only measured by high economic growth alone, but is a multidimensional process that includes fundamental changes in the social structure. Community and institutional attitudes or behavior, accelerating economic growth, reducing inequality and reducing poverty (Todaro, M.P. & Smith, S.C., 2012)

Welfare in the form of improving the quality of life nationally, cannot be separated from the economic conditions and development of a country, as well as regional economies. Economic

development is also expected to be able to absorb the workforce which in itself will also increase people's income, and indirectly improving the quality of human resources can be achieved through improving education and health in a community. Poverty is a problem that has been experienced even now in all countries in all parts of the world. Various efforts have been made. Starting from regional and national scope. Indonesia is no exception, poverty is still experienced and affects Indonesia. Various government policies on poverty have not been able to eradicate poverty. Often the problem of poverty arises together with the problem of unemployment. These two problems are closely related to the quality of human resources in a region.

Starting from the empirical reality experienced in the region, one way to overcome poverty is to improve the quality of human resources. Human resources are the driving force of a regional economy. One indicator of whether the quality of human resources is good or not is the Literacy Rate. Poverty reduction is important because if it is not addressed immediately poverty will have an impact on further levels such as the quality of human life and health. Likewise, according to Mudrajad, the causes of poverty will lead to the vicious cycle of poverty theory. Underdevelopment, market imperfections and lack of capital cause low productivity. Low productivity causes the low income they receive. Low income will result in low savings. Low savings means low investment. If this continues without breaking the chain of poverty, the cycle will continue to spin (Mudrajad Kuncoro, 2004). The government holds a central position in poverty. The government's responsibility in overcoming and overcoming poverty is stated in Article 34 paragraph (1) of the Fourth Amendment to the 1945 Constitution of the Republic of Indonesia, which states that: "The poor and neglected children are cared for by the State."

Poverty in Indonesia has now become a national problem and the government is even making efforts to eradicate the problem of poverty among the Indonesian population. Poverty is a problem that is connected to social problems in Indonesia. For example, poor families have a relatively low level of livelihood and health compared to people who have sufficient lives. Poverty in Kutai Kartanegara Regency has made the government pay more attention to poverty alleviation efforts. Firstly, it is necessary to know what factors influence the poverty level, so that effective policies can be formulated to reduce the poverty rate in Kutai Kartanegara Regency. Factors thought to influence the level of poverty in Kutai Kartanegara Regency include; (1) Community Income; (2) Education/literacy rate; (3) Employment/Unemployment; (4) Government Policy.



Kutai Kartanegara Regency has an area of 27,263.10 km<sup>2</sup> located between 115026' East Longitude and 117236 East Longitude and between 1228 North Latitude and 1208' South Latitude. The population of Kutai Kartanegara Regency based on statistical data for the year is 729,382 people with a male population ratio of 380,560 people and a female population of 348,822 people, so the ratio is 109.1. (Regional Regulation Number 6 of 2021 concerning RPJM Kutai Kartanegara Regency 2021 – 2026, pp II – 2).

Kutai Kartanegara Regency currently has 18 sub-districts plus 2 (two) sub-districts resulting from expansion, namely West Samboja District and Kota Bangun Darat District. The number of villages is 193 villages and 44 sub-districts. The current condition is based on data obtained through poverty figures in Kutai Kartanegara Regency, namely based on Micro P3KE data: Number of Poor Population (Decile 1-3) with the criteria of Not/Haven't Attended School with a general range of 7-17 years as many as 12,248 people. Meanwhile, data on extreme poverty (parcels 1, 2, 3) with the criteria of not/have not attended school, the age range of 7-17 years is 1,121 people.

Table 1: Identification of the Number of Poor Population Based on the Criteria of No/Not Yet Schooled :

No	Subdistrict	Number of P3KE Poor Population				Severity Ranking
		Age 7-17 Years No/Not yet in school				
		Desil 1-3		Desil 1 (Persil 1,2,3)		
		Nilai	%	Nilai	%	
1	Anggana	934	7,63	191	17,04	1
2	Kembang Janggut	482	3,94	39	3,48	4
3	Kenohan	384	3,14	68	6,07	2
4	Kota Bangun	416	3,40	25	2,23	4
5	Kota Bangun Darat	249	2,03	19	1,69	4
6	Loa Janan	1029	8,40	47	4,19	3
7	Loa Kulu	815	6,65	58	5,17	1
8	Marangkayu	593	4,84	36	3,21	3
9	Muara Badak	621	5,07	36	3,21	3
10	Muara Jawa	535	4,37	25	2,23	4
11	Muara Kaman	1051	8,58	175	15,61	1
12	Muara Muntai	551	4,50	9	5,26	2
13	Muara Wis	278	2,27	41	3,66	4
14	Samboja	508	4,15	25	2,23	4
15	Samboja Barat	508	4,15	57	5,08	2
16	Sanga-sanga	238	1,94	14	1,25	4
17	Sebulu	875	7,14	67	5,98	1
18	Tabang	310	2,53	50	4,46	4
19	Tenggarong	1062	8,67	44	3,93	3
20	Tenggarong Seberang	809	6,61	45	4,01	3
		12.248	100	1121	100	

Source: P3KE and Bappeda Kutai Kartanegara Regency, 2022.

This data shows that there are 4 (four) sub-districts experiencing a severity ranking at level 1 (one) extreme, namely Anggana Sub-district, Loa Kulu Sub-district, Muara Kaman Sub-district, Sebulu Sub-district. The high rate of dropping out of school or not continuing school is not commensurate with the budget allocation for the provision of education in Kutai Kartanegara Regency.

Education Allocation as a mandatory authority for basic and attributive services must be provided by regions for basic education starting from PAUD, Kindergarten, Elementary School (SD/SI), Junior High School (SMP/MTs). Starting from 2019, Kutai Kartanegara Regency has allocated an education budget of IDR 1,172,010,639,171.00. In 2020, the Kutai Kartanegara Regency APBD allocated Rp. 1,139,423,285,410.00 for education. In 2021, education funds are

budgeted at IDR 1,221,967,822,087.00. In 2022 the education budget is IDR 1,184,717,529,525.00

The size of the education budget does not necessarily indicate success in implementing the education system, especially formal education. Therefore, a more in-depth study is needed, research that can answer why this happens. The formulation of the problem that will be analyzed in this research is what is the policy of the Regional Government of Kutai Kartanegara Regency, what are the Education Regulations in Kutai Kartanegara Regency through RIA (Regulatory Impact Analysis), and what is the position and effectiveness of Regional Legal Products (PHD) of Kutai Kartanegara Regency Regarding the Implementation of the Education System.

## **RESEARCH METHODS**

The research method used in this research is the empirical normative legal research method, focusing research on the norms of statutory regulations, legal principles, and legal doctrine, as well as the effectiveness of law in practice (the application of legal regulations in society), in terms of This research examines policy and regulatory impact on educational implementation (study in the Kutai Kartanegara district area).

## **RESULT AND DISCUSSION**

### **Kutai Kartanegara Regency Regional Government Policy towards Education.**

That policy at the public level is aimed at actions taken by the government to promote general (society) attention. Many public (general) policies ranging from taxes, national defense to environmental protection affect business directly. These public policies and programs make the difference between profit and failure (William C. Frederick, 1988).

In determining policies, of course the conditions must also be in accordance with statutory regulations. The education sector in the administration of Regional Government is a concurrent affair which is included in mandatory affairs and basic services. Concurrent affairs are areas of affairs handed over by the Government to regions to implement regional autonomy. Education between policies and statutory regulations should complement each other. Legislative regulations on matters of education determine the limits of authority that are mandatory and can be implemented by the Regency/City Government.

The policy of the Regional Government of Kutai Kartanegara Regency in matters of education is to limit the authority that is shared and as a concurrent matter. In accordance with Law No. 23 of 2014 concerning Regional Government, education policies must not be excessive or have no legal umbrella to regulate them. To see how education policy in Kutai Kartanegara Regency is seen from the Regional Medium Term Development Plan (RPJMD) which is currently regulated by Regional Regulation of Kartanegara Regency Number 6 of 2021.

Vision: "Creating a Prosperous and Happy Kutai Kartanegara Community"

1. Mission 1: Improving a Clean, Effective, Efficient and Serving Bureaucracy.
2. Mission 2: Increasing the Development of Moral, Excellent and Cultured Human Resources;
3. Mission 3: Strengthening Economic Development Based on Agriculture, Tourism and Creative Economy;
4. Mission 4: Improving the Quality of Basic Infrastructure Services and Connectivity between Regions;
5. Mission 5: Improve environmentally sound management of internal resources

Regarding education policy, it is necessary to see the explanation of Mission 2 concerning Increasing the Development of Moral, Excellent and Cultured Human Resources. Regarding education from mission 1, the programs that directly relate to education are the 1000 Bachelor Teachers Program, the Kukar Idaman Scholarship Program, the Ready to Work Kuka Program, the Cultured Kukar Program, the Etam Mengaji IDAMAN Movement Program (GEMA IDAMAN). These programs are Regional Government policies in the 5 (five) year RPJMD.

The policies contained in these programs, then as a form of commitment of the Regional Head and Deputy Regional Head, namely the Regent and Deputy Regent of Kutai Kartanegara for the 2019 - 2024 period, must be implemented by the Regional Government Organization (OPD) which is in charge and has a strong legal umbrella. It's just that the justification for this program is not enough to include it in the Regional Regulation which regulates the RPJMD of Kutai Kartanegara Regency.

The success of policy implementation can be seen from the extent to which the policy is implemented effectively. Effectiveness according to Dunn is concerned with whether an alternative achieves the expected (accurate) results, or achieves the goal of the action. Effectiveness, which is closely related to technical rationality, is always measured in terms of product or service units (William. N Dunn, 2002). According to Subarsono, the success of policy implementation will be determined by many variables or factors, and each of these variables is interconnected with one another (AG. Subarsono, 2005).

As Merilee S. Grindle's theory states: "The success of implementation is influenced by two large variables, namely the content of policy and the implementation environment (context of implementation). Policy content variables include: (1) the extent to which the interests of the target group are included in the policy content; (2) types of benefits received by target groups; (3) the extent of change desired from a policy; (4) whether the location of a program is appropriate (5) whether a policy has mentioned the implementer in detail; and (6) whether a program is supported by adequate resources (Grindle, Merilee S. 1980). The policy through the education program is still a big question, whether it has been effective and successfully implemented. Meanwhile, there are also those which are not included in the policy but in their implementation also need to be evaluated, namely the Government policy regarding Regional/Regency Operational Costs (BOSDA/BOSKAB Funds) which are used by schools to finance the operational costs of providing school education.

### **Education Regulations in Kutai Kartanegara Regency through RIA (Regulatory Impact Analysis).**

Education in Kutai Kartanegara Regency is regulated by Regional Regulation Number 15 of 2010 due to orders from higher laws and regulations, namely Law No. 20 of 2003 concerning the National Education System. In the 2019 development, Regional Regulation Number 15 of 2010 underwent changes, with Regional Regulation Number 2019 concerning Amendments to Regional Regulations of Kutai Kartanegara Regency Number 15 of 2010 concerning the Education Delivery System.

The implementation of education in Kutai Kartanegara Regency is carried out in accordance with the authority granted by Law Number 23 of 2014 concerning Regional Government. The provision of education is carried out as a mandatory concurrent matter and basic service. This is based on Article 12 paragraph (1) letter a, Law Number 23 of 2014 concerning Regional Government. is Education. The implementation of education requires a budget to be used for operations in order to increase Human Resources, in accordance with the mandate in Article 31 paragraph (4) of the 1945 Constitution, which reads:

The state prioritizes an education budget of at least twenty percent of the state revenue and expenditure budget as well as regional revenue and expenditure budgets to meet the needs of providing national education.

The Kutai Kartanegara Regency Government's commitment to increasing human resources through education, especially formal education, is trying to set an education budget allocation of 20% of the APBD. The budgeting is proven by Kutai Kartanegara Regency from 2019 to 2023. The budget allocation has exceeded 20% of the APBD, the following data is obtained: The following is the APBD data for Kutai Kartanegara Regency from 2019 to 2023, as presented in the table below:

Table 2 : Education Allocation Data Based on APBD Kutai Kartanegara Regency 2019 – 2023.

<b>Ye ar</b>	<b>Regional Revenue and Expenditure Budget</b>	<b>Added Changes to the Regional Revenue and Expenditure Budget</b>	<b>Education Allocation</b>
2019	Rp.5.002.311.146.451,00	(Rp. 69.736.580.103,37)	Rp.1.172.010.639.171,00
2020	Rp.5.698.940.179.726,86	(Rp.1.298.647.386.325,87)	Rp.1.139.423.285.410,00
2021	Rp.3.644.451.749.668,00	Rp. 569.743.670.759,00	Rp.1.221.967.822.087,00
2022	Rp.4.764.004.971.567,00	Rp. 950.584.684.000,00	Rp.1.184.717.529.525,00
2023	Rp.7.285.919.306.259,00		Rp.1.548.852.531.432,00

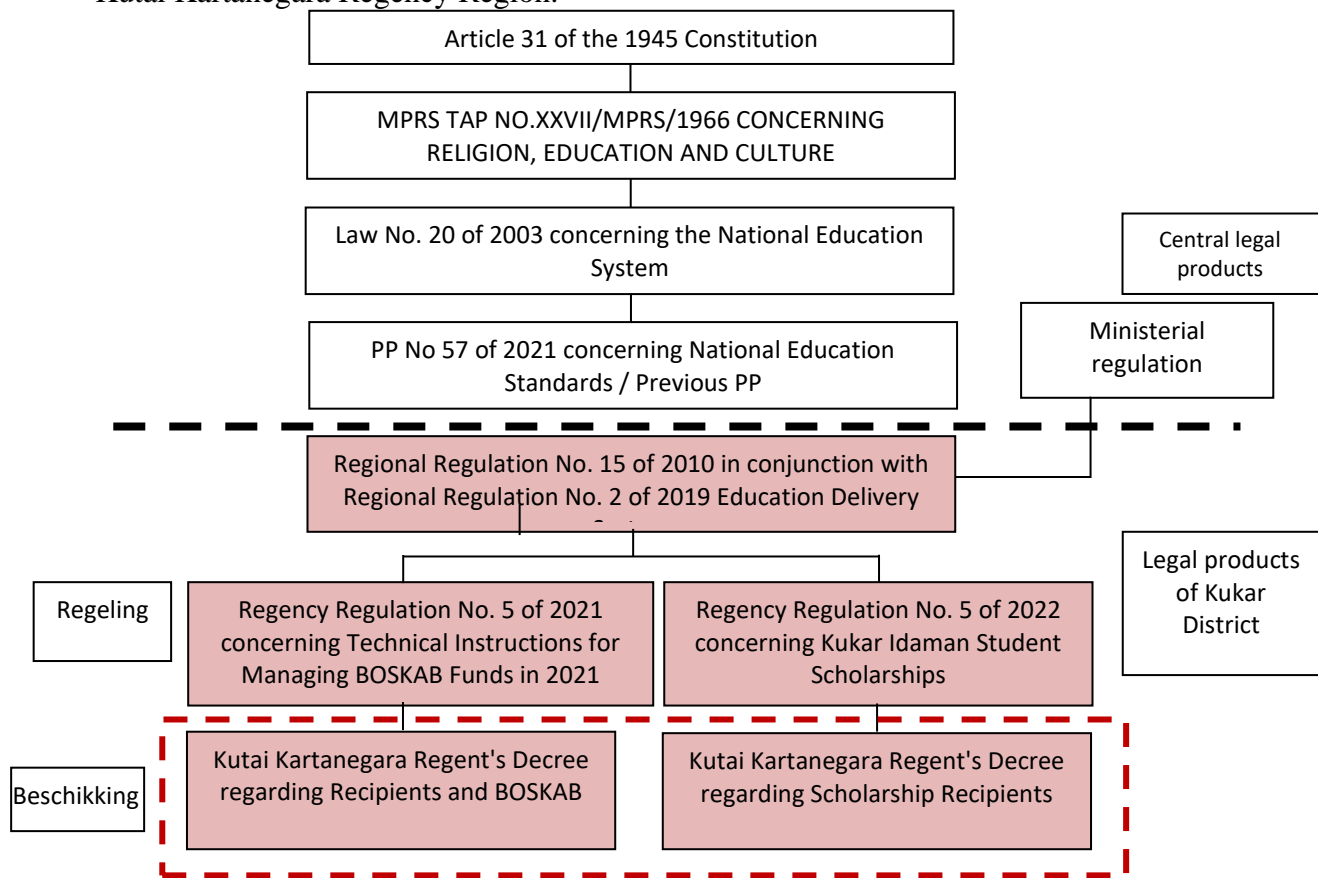
Source: Kutai Kartanegara Regency APBD 2019 – 2023

The large education budget covers all educational activities, educational operational expenditures including personnel expenditures. However, education as a mandatory basic service matter is intended as a matter based on attributive authority. So that authority in educational matters is absolute in its implementation, including funding.

It is important to pay attention to the increasing allocation for education, there are several things that must be considered, namely: a. School dropout rate, b. Several results of the determinants of poverty cause school dropout. That the occurrence of dropping out of school or not going to school is caused by three factors, namely (1) poverty because there are no costs 45.8%, (2) there are costs but lack of costs 36.4% and there is, low motivation reaching 17.8%. Looking at the budget allocation in Operational Cost Assistance and School Investment in Early Childhood Education and Basic Education, one of which is for scholarships, a surprising number of respondents among school principals were 64% who disagreed.

That the Education regulations in the Kutai Kartanegara Regency area by forming Regional Regulations and their implementation are formed by Regent's Regulations, especially on Assistance Costs for Operational Costs and School Investments in Early Childhood Education and Basic Education and the Regent's Regulations regarding the Kukar Idaman Scholarship have an impact on Boskap's financial governance and the Scholarship awarding system Dream Kukar which needs to be improved with the aim of making it right on target, designation, use and reporting system. Whereas the Regional Legal Product (PHD) of Kutai Kartanegara Regency regulates matters in the education sector, there is still a need to refine regulations related to education management, curriculum, educators and education personnel, local education licensing, and local curriculum so that they adapt to the national program of independent education and strengthening the governance management system. manage operational cost assistance and school investment in early childhood education and basic education as well as scholarships.

Figure 1: Hierarchy of Legislative Regulations in the Education Sector from the Center to the Kutai Kartanegara Regency Region.



Source: Processed by the Team, 2023.

This is a map of legal products, especially the Kutai Kartanegara Regency area related to education matters. These educational affairs are in accordance with the authority possessed in administering educational affairs. Education matters are a mandatory matter and include basic services, so the provision of education according to authority is basic education.

**Legal Effectiveness: On Regional Legal Products of Kutai Kartanegara Regency Regarding the Implementation of the Education System.**

Legal effectiveness here is a test tool that has been used to test the extent to which legal products are able to work effectively. According to W. Yudho and H. Tjandrasari, legal effectiveness is the ability of the law to create or give birth to conditions or situations desired by the law or expected by the law (W. Yudho and H. Tjandrasari, 1987). If a legal rule is obeyed by the majority of the target community or legal entity that is the target of its obedience, it will be said that the legal rule has been effective (Salim, H.S and Erlis Septiana Nurbani, 2013). According to Lawrence M. Friedman, the success or failure of law enforcement depends on (Lawrence M.Friedman, 2009):

1. Legal substance. In Lawrence M. Friedman's theory, legal substance is said to be a substantial system that determines whether or not the law can be implemented, including whether or not the norms governing it are complete. As a country that adheres to the civil law system or continental European system, it is said that law is written regulations, while unwritten rules cannot be declared as law.

2. Legal structure/legal institutions (legal structure). In Lawrence Meir Friedman's theory, it is said to be a structural system that determines whether or not the law can be implemented properly.
3. Legal culture. According to Lawrence Meir Friedman, legal culture is a human attitude towards the law which is born through a system of beliefs, values, thoughts and hopes which develop into one within it. Legal culture is the atmosphere of social thought and social forces that determine how the law is used, avoided or misused. This legal culture is closely related to society's legal awareness.

Regarding the regulations formed by the Kutai Kartanegara Regency Government in realizing an education delivery system that is in accordance with its authority. So to test the effectiveness of regional legal products.

a. Substance

In substance, what is seen here lies in the material content or contents of the Regional Legal Products (PHD) of Kutai Kartanegara Regency related to education. For this reason, there are 3 (three) PHD legal products in the education sector, as follows:

1. Regional Regulation Number 15 of 2010 concerning the Education Delivery System, as amended by Regional Regulation Number 2 of 2019 concerning Amendments to the Regional Regulations of Kutai Kartanegara Regency Number 15 of 2010 concerning the Education Delivery System.
2. Regency Regulation No. 5 of 2021 concerning Technical Instructions for Managing BOSKAB Funds in 2021. Regency BOS funds received by TK/KB/TPA/RA, SD/MTs and SMP/MTs as well as Equal Education are calculated based on the number of students in state education units and private education units, with the unit cost.
3. Regency Regulation No. 5 of 2022 concerning Kukar Idaman Student Scholarships. The construction of this scholarship needs to be explained first based on authority, namely:
  - i. The authority to carry out educational affairs is mandatory and a basic service. Education matters for districts/cities are limited to basic education, PAUD, non-formal education, in-formal education and equality education. But formally it is in Basic Education and PAUD.
  - ii. Basic education, namely State Elementary School and State Middle School, Private Elementary School and Middle School. There is also religious education, namely MI and MTs. including Islamic boarding schools with equal education whose status belongs to the Ministry of Religion, meaning State MI and State MTs, there are also private MI and MTs.
  - iii. The priority scale for scholarships is given to underprivileged students with achievements in basic education, more specifically in State Elementary Schools and State Middle Schools. This is based on Article 27 paragraph (1) and paragraph (2) PP No.48 of 2008 concerning Education Funding.

b. Structure

The structure or institution in providing education in Kutai Kartanegara Regency is running very well according to the education delivery system. It's just that as an evaluation in the implementation of education, the School Committee should regulate its rights and obligations in being involved in the implementation and supervision of the use of BOSKAB funds according to field data. 54% disagree with the school committee. The school committee has been involved in monitoring the use of BOSKAB funds.

c. Culture (Culture)

The number of students dropping out of school in Kutai Kartanegara Regency, from existing data (see Table 03), in 2021, the number of dropouts from elementary/MI schools was 652 people, 498 people from primary schools/MTs, and 973 people from secondary schools. It's just that the regional authority is on basic education, so the number of dropouts from primary school/MI and junior school/MTs is 1,150 people. It turns out that in the field there are indeed negative cultural factors, in the form of the stigma that education does not produce anything. Family awareness is still quite low regarding the importance of education for their children. Natural conditions also create community culture, especially in several sub-districts that are far from urban areas with natural conditions that are able to meet the needs of daily life.

That the implementation of the Regional Regulations and Regional Regulations regulating matters in the education sector is still not effective, especially the substance of the process of building the Kukar Idaman scholarship awarding system, because there is no standardization of nominal values according to yearly needs for students in basic education, the institutional (structure) is weak in the role of the School Committee in its role. planning and supervising the use of Boskap, and the strong habit (culture) of society which views education as unimportant in living the future of life.

## CONCLUSION

That the policies of the Regional Government of Kutai Kartanegara Regency apart from carrying out according to statutory regulations, there are also things that are carried out based on the vision and mission outlined in the Regional Medium Term Development Plan (RPJMD) within a period of 5 (five) years which focuses on school operational costs (Boskab) and providing scholarships to students as an effort to reduce poverty in the Kutai Kartanegara Regency area and in fact the school dropout rate is still very high.

That the Education regulations in the Kutai Kartanegara Regency area by forming Regional Regulations and the implementation of the Regent's Regulations, especially on Boskap Fees and the Regent's Regulations regarding the Kukar Idaman Scholarship, have an impact on Boskap's financial governance and the Kukar Idaman Scholarship awarding system which needs to be improved with the aim of making it right on target. designation, use, and reporting system.

Whereas the Regional Legal Product (PHD) of Kutai Kartanegara Regency regulates matters in the education sector, there is still a need to refine regulations related to education management, curriculum, educators and education personnel, local education permits, and local curriculum so that they adapt to the national program of independent education and system strengthening Boskap and Scholarship management.

That the implementation of the Regional Regulations and Regional Regulations regulating matters in the education sector is still not effective, especially the substance of the process of building the Kukar Idaman scholarship awarding system, because there is no standardization of nominal values according to yearly needs for students in basic education, the institutional (structure) role of the School Committee is weak in the role of planning and supervising the use of Boskap, and the strong habit (culture) of society which views education as unimportant in living the future of life.

The recommendation in this research is that the Regional Government of Kutai Kartanegara Regency carry out legal construction in accordance with current dynamic laws in educational matters, including the construction of the Kukar Idaman scholarship award. Attributive scholarships are the authority of the Department of Education and Culture which carries out its governance to build a service system for providing and reporting the use of the ideal kuka scholarship. Non-attributive scholarships are carried out by governance management

in building a scholarship awarding service system carried out by the Social Section of the Regional Secretariat. Attributive and Non-Attributive Scholarships contain the Disadvantaged Scholarship and Achievement Scholarship respectively. The next recommendation is for the Regional Government to build a formal education system in the region by paying attention to the local curriculum (Local wisdom) by paying attention to local culture, geography, geosocial and globalization without abandoning the noble values of culture and religion.

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