



Legal Analysis of the Regional Regulation of Ngawi Regency on the Management of Passive Telecommunications Infrastructure

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Abstract

The rapid expansion of digital transformation has increased the demand for adaptive and legally coherent governance of passive telecommunications infrastructure, requiring regional governments to formulate regulations that are consistent with the evolving national legal framework. This study aims to analyze the authority of the Ngawi Regency Government in regulating passive telecommunications infrastructure, assess the harmonization of the Draft Regional Regulation with Indonesia's national legislation, and formulate a normative reconstruction model that strengthens legal certainty and adaptive digital governance. This research employs a non-empirical juridical (doctrinal) method using statutory, conceptual, and comparative approaches. Primary legal materials comprise statutes, government regulations, regional regulations, and the Draft Regional Regulation, complemented by secondary and tertiary legal materials, which are analyzed through grammatical, systematic, historical, and teleological interpretation. The findings demonstrate that the regional government's regulatory authority is constitutionally and statutorily justified, although several provisions require further harmonization with the risk-based business licensing regime, spatial planning regulations, and the distribution of governmental authority. The study proposes a regulatory reconstruction model emphasizing legislative harmonization, institutional coordination, digital governance transformation, and infrastructure-sharing mechanisms to enhance legal certainty, administrative effectiveness, and sustainable digital infrastructure governance while contributing to the development of adaptive regional regulatory theory.

Keywords: Administrative Law, Digital Governance, Legal Certainty, Passive Telecommunications Infrastructure, Regulatory Harmonization.



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INTRODUCTION

Digital transformation has become one of the central priorities of contemporary governance, positioning telecommunications infrastructure as a strategic public asset that supports economic competitiveness, digital inclusion, public service delivery, and regional resilience in the era of the digital economy (Sangaji & Irianto, 2025). Across many jurisdictions, the expansion of digital infrastructure has shifted regulatory attention from merely facilitating network deployment toward establishing governance frameworks capable of balancing investment interests, environmental sustainability, legal certainty, and the protection of citizens' rights. In Indonesia, this transformation is reinforced by Article 28F of the 1945 Constitution, which recognizes the constitutional right of every citizen to communicate and obtain information through available communication channels. The constitutional guarantee requires the state to ensure not only the availability of telecommunications infrastructure but also the existence of a coherent legal framework capable of regulating its development and management in an accountable manner (Hutagalung et al., 2024). The implementation of the Job Creation Law, the risk-based licensing regime, and the acceleration of digital government have significantly reshaped the legal landscape governing infrastructure development, requiring greater coordination between central and regional governments. The growing complexity of digital infrastructure governance demonstrates that the effectiveness of telecommunications development is increasingly determined by the quality of legal institutions rather than solely by technological advancement.

Within Indonesia's decentralized governmental system, local governments possess the authority to regulate infrastructure development through regional regulations as an implementation of regional autonomy. This authority carries a corresponding obligation to ensure that every regional regulation remains consistent with higher legislation while accommodating local development needs and administrative realities (Asiyah & Budiman, 2025). Regional legislation therefore functions not merely as an administrative instrument but as a mechanism for translating national policies into operational governance at the local level. Previous studies indicate that harmonization between national and regional legislation is essential for preventing overlapping authority, regulatory inconsistency, and institutional fragmentation, particularly in sectors characterized by rapid technological development (Banola et al., 2025). At the same time, recent scholarship argues that adaptive legislation has become indispensable because conventional regulatory models frequently fail to respond adequately to the dynamics of digital governance and technological innovation (Firdaus & Panjaitan, 2024). These findings collectively suggest that effective telecommunications governance depends upon the interaction between legislative quality, institutional coordination, and administrative adaptability rather than on regulatory simplification alone.

Although studies concerning telecommunications law and administrative governance have expanded considerably, the existing literature remains concentrated on national telecommunications policies, licensing reform, or telecommunications tower regulation. Research has generally examined the implementation of the Job Creation Law, licensing procedures, and legal protection for telecommunications business actors without comprehensively addressing passive telecommunications infrastructure as an integrated regulatory object (Prasanti & Kurniawan, 2025). Other studies have emphasized the importance of governmental authority in administrative decision-making, yet they rarely explain how such authority should be translated into regional legal instruments governing digital infrastructure development (Susanto, 2020). Likewise, discussions on legislative harmonization primarily focus on statutory drafting procedures and constitutional validity instead of evaluating the substantive relationship between regional regulations, spatial planning, and risk-based business licensing (Hoessein, 2026). Consequently, passive telecommunications infrastructure has largely remained a peripheral issue within Indonesian administrative law scholarship despite its increasing strategic significance. This condition indicates that current literature has not yet produced a comprehensive normative framework capable of explaining how regional regulations should govern passive telecommunications infrastructure within Indonesia's evolving digital governance system.

The absence of such a comprehensive framework has become increasingly problematic because the rapid expansion of digital infrastructure continuously transforms the relationship between governmental authority, business actors, and public interests. Ngawi Regency represents one of the regions experiencing substantial growth in digital infrastructure demand as a consequence of expanding electronic government services, digital economic activities, education, and industrial development. Responding to these developments, the regional government has initiated a transition from regulating telecommunications towers toward a broader regulatory framework governing passive telecommunications infrastructure. Such a policy shift requires legal harmonization with the Telecommunications Law, the Regional Government Law, the Spatial Planning Law, and the risk-based licensing regime to avoid institutional overlap and regulatory uncertainty (Firmansyah & Rifa'i, 2025). The effectiveness of regional regulations also depends upon their ability to integrate spatial planning, infrastructure sharing, administrative supervision, and public interest protection into a coherent regulatory framework (Hastri et al., 2022). Without such integration, regional regulations risk becoming unable to accommodate technological development while simultaneously creating uncertainty for both government institutions and private investment.

Against this background, this research occupies a distinct position within the existing literature by focusing on the normative construction of the Regional Regulation of Ngawi Regency concerning the Management of Passive Telecommunications Infrastructure. Rather than limiting the analysis to licensing procedures or policy implementation, the study examines how regional legal norms interact with governmental authority, legislative harmonization, and administrative law principles within Indonesia's multilevel legal system. This perspective recognizes that legal effectiveness cannot be assessed solely through formal conformity with higher legislation but must also consider institutional coherence, regulatory responsiveness, and the protection of public interests. The study further addresses broader debates regarding adaptive governance, the implementation of good governance principles, and

the need for regional regulations capable of responding to technological transformation without compromising legal certainty (Ali & Rozi, 2026). It also contributes to discussions concerning the reconstruction of regional regulations as instruments that simultaneously facilitate investment, ensure administrative accountability, and maintain sustainable spatial governance. By addressing these dimensions simultaneously, the research fills an important gap left by previous studies that have tended to examine each issue separately rather than as an interconnected legal framework.

This study aims to analyze the consistency of the Regional Regulation of Ngawi Regency on the Management of Passive Telecommunications Infrastructure with Indonesia's national legal framework governing telecommunications, regional government, spatial planning, and risk-based business licensing. It further evaluates the regulation through the perspectives of governmental authority, legislative harmonization, legal certainty, and the General Principles of Good Governance in order to assess its capacity to support sustainable digital infrastructure development. The study develops an integrated normative analytical framework that connects administrative law, legislative harmonization, and regional governance in evaluating passive telecommunications infrastructure regulations. Methodologically, the research demonstrates how doctrinal legal analysis may be systematically applied to assess the coherence of regional legislation within Indonesia's multilevel regulatory system. The findings are expected to provide recommendations for improving regional regulatory design while enriching contemporary discussions on adaptive legal governance in the digital era. Ultimately, the study seeks to contribute both to the development of administrative law theory and to the formulation of regional legal policies capable of balancing technological innovation, investment certainty, environmental sustainability, and the protection of public interests.

RESEARCH METHODS

This study employs a non-empirical legal research design using a normative juridical (doctrinal) approach to examine the legal framework governing the management of passive telecommunications infrastructure in Ngawi Regency. The research analyzes the Draft Regional Regulation on the Management of Passive Telecommunications Infrastructure and its conformity with the hierarchy of Indonesian legislation, including the Telecommunications Law, the Regional Government Law, the Spatial Planning Law, and the risk-based business licensing regime (Dwiatmoko & Nursadi, 2022). Primary legal materials consist of statutory regulations, regional regulations, and the draft regional regulation, while secondary legal materials include scholarly books, peer-reviewed journal articles, academic papers, and other authoritative legal publications concerning administrative law, telecommunications, and regional governance. Tertiary legal materials, such as legal dictionaries and official explanatory documents, are also utilized to clarify legal concepts and terminology. These legal materials provide a comprehensive basis for evaluating the normative construction of regional telecommunications regulation. The doctrinal approach is appropriate because the study emphasizes legal norms, legislative coherence, and regulatory harmonization rather than empirical implementation (Firdaus & Panjaitan, 2024).

The study applies statutory, conceptual, and comparative approaches to analyze the consistency of the proposed regional regulation with Indonesia's national legal framework. Statutory interpretation is conducted using grammatical, systematic, historical, and teleological methods to identify the meaning and objectives of the relevant legal provisions (Hoessein, 2026). The analysis is further supported by the theories of governmental authority, legislative harmonization, legal certainty, and the General Principles of Good Governance as the principal analytical framework. A vertical and horizontal harmonization analysis is employed to identify potential normative conflicts and ensure coherence between regional and national legislation governing telecommunications infrastructure (Banola et al., 2025). Legal arguments are then formulated through systematic interpretation of statutory provisions and legal doctrines to produce recommendations for a more adaptive and legally consistent regional regulatory framework. The reliability of the analysis is strengthened through cross-examination of legislation, legal doctrine, and academic literature to ensure consistency and objectivity in legal reasoning (Ali & Rozi, 2026).

RESULTS AND DISCUSSION

Juridical Analysis of the Authority of the Ngawi Regency Government in Regulating Passive Telecommunications Infrastructure

The authority of the Ngawi Regency Government to regulate passive telecommunications infrastructure originates from Indonesia's constitutional framework of regional autonomy, which recognizes local governments as public legal entities authorized to administer decentralized governmental affairs through regional legislation. Article 18 paragraph (6) of the 1945 Constitution expressly authorizes regional governments to enact Regional Regulations as legal instruments for implementing autonomous governmental functions, while Article 236 paragraph (1) of Law Number 23 of 2014 on Regional Government, as lastly amended by Law Number 6 of 2023, further affirms this legislative competence within the hierarchy of Indonesian public administration. The statutory attribution of authority demonstrates that the enactment of regional legislation concerning passive telecommunications infrastructure is not merely an administrative policy option but represents the exercise of constitutionally recognized governmental competence. Nevertheless, such authority is inseparable from the principle of legality because every governmental action must remain within the limits established by statutory law and may not regulate matters expressly reserved for the central government. This doctrinal limitation reflects the concept that decentralization distributes governmental functions without diminishing the unitary character of the Indonesian legal system or creating parallel legislative authority between different levels of government. The legality of the Draft Regional Regulation of Ngawi Regency must therefore be assessed by examining whether its substantive provisions remain consistent with the distribution of governmental authority established under national legislation (Susanto, 2020).

The juridical scope of regional authority over passive telecommunications infrastructure differs significantly from the authority exercised by the central government in administering telecommunications services. Law Number 36 of 1999 on Telecommunications establishes that telecommunications policy, radio frequency spectrum management, numbering systems, and technical operational standards constitute matters falling within national governmental competence, whereas regional governments retain authority over spatial planning, land utilization, infrastructure supervision, environmental protection, and local administrative governance. Government Regulation Number 46 of 2021 concerning Postal Services, Telecommunications, and Broadcasting reinforces this distinction by centralizing technical and operational aspects of telecommunications while preserving the administrative role of regional governments in facilitating infrastructure development through regional governance mechanisms. Government Regulation Number 21 of 2021 concerning Spatial Planning Implementation likewise authorizes regional governments to control spatial utilization and determine the conformity of infrastructure placement with regional development plans. Such a distribution of authority indicates that passive telecommunications infrastructure possesses a dual legal character because it simultaneously constitutes telecommunications infrastructure regulated by sectoral legislation and physical infrastructure governed by administrative and spatial planning law. This interaction between sectoral regulation and regional administrative competence requires careful statutory interpretation to ensure that regional regulations neither duplicate nor contradict the authority already exercised by the central government (Haris et al., 2021).

The interpretation of regional governmental authority must also consider the legislative hierarchy established under Law Number 12 of 2011 concerning the Formulation of Laws and Regulations, as amended by Law Number 13 of 2022. Article 7 of the Law identifies Regional Regulations as an integral component of Indonesia's legislative hierarchy, whereas Article 8 requires every subordinate regulation to derive its validity from authority expressly conferred by higher legislation. From the perspective of systematic interpretation, these provisions require the Draft Regional Regulation of Ngawi Regency to remain vertically harmonized with the Telecommunications Law, the Regional Government Law, the Spatial Planning Law, Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing, and Government Regulation Number 46 of 2021. The requirement of legislative harmonization extends beyond procedural drafting because it determines the juridical legitimacy of regional legal norms and prevents the emergence of conflicting regulatory provisions governing the same subject matter. Contemporary legal scholarship further emphasizes that harmonization represents a constitutional mechanism for maintaining legal coherence in response to increasingly complex regulatory systems created by digital transformation and omnibus legislation

(Dwiatmoko & Nursadi, 2022). Consequently, the authority of the Ngawi Regency Government cannot be evaluated solely on the existence of legislative competence but must also be examined through its conformity with Indonesia's hierarchical legal order.

Table 1. Distribution of Governmental Authority in the Regulation of Passive Telecommunications Infrastructure

Legal Instrument	Scope of Authority	Responsible Institution	Juridical Implication
1945 Constitution of the Republic of Indonesia	Constitutional basis for regional autonomy and public access to information	Central and Regional Governments	Establishes constitutional legitimacy for regional legislative authority within the unitary state system.
Law No. 23 of 2014 jo. Law No. 6 of 2023	Regional governance, spatial planning, and enactment of Regional Regulations	Regional Government	Attributes authority to regulate regional administrative affairs while remaining consistent with national legislation.
Law No. 36 of 1999	National telecommunications policy, frequency spectrum, and technical standards	Central Government	Reserves strategic telecommunications administration under central governmental authority.
Government Regulation No. 46 of 2021 and Government Regulation No. 21 of 2021	Technical telecommunications governance and spatial planning implementation	Central and Regional Governments	Creates complementary authority requiring regulatory coordination and legal harmonization.
Law No. 12 of 2011 jo. Law No. 13 of 2022	Hierarchy and harmonization of legislation	National and Regional Legislatures	Requires Regional Regulations to conform vertically and horizontally with higher legislation.

The normative distribution of authority presented in Table 1 demonstrates that the management of passive telecommunications infrastructure is regulated through a multilevel legal framework in which authority is functionally allocated according to the nature of governmental affairs rather than institutional preference. The Telecommunications Law governs technical aspects of telecommunications administration, whereas the Regional Government Law and the Spatial Planning Law provide the legal basis for regional intervention in land utilization, infrastructure placement, and administrative supervision. This distribution illustrates that regional governments exercise attributed authority derived directly from statutory law instead of exercising autonomous competence independent of national legislation. Such an arrangement also reflects the constitutional principle that decentralization is intended to improve governmental effectiveness while preserving legal unity within the national legal system. The Draft Regional Regulation of Ngawi Regency therefore derives its legitimacy from the interaction between constitutional norms, statutory attribution, and legislative harmonization rather than from political discretion alone. The table also confirms that regulatory overlap can only be avoided when every governmental institution performs functions strictly within the competence established by legislation.

The doctrinal construction of governmental authority may further be examined through Philipus M. Hadjon's theory of authority, which distinguishes governmental competence based upon attribution, delegation, and mandate. The authority exercised by the Ngawi Regency Government in formulating the Draft Regional Regulation constitutes attributed authority because it originates directly from statutory provisions enacted by the national legislature rather than from delegated executive power. This distinction carries important juridical consequences because attributed authority permits regional governments to formulate regulatory policies only within the scope expressly recognized by legislation.

Matters concerning telecommunications operation, radio frequency allocation, and national network standards consequently remain outside the competence of regional governments despite the existence of regional autonomy. The principle of legality therefore requires every substantive provision contained in the Draft Regional Regulation to be interpreted consistently with the constitutional distribution of governmental authority rather than according to administrative convenience or regional policy preferences. Such an interpretation reinforces the view that regional legislative competence is inseparable from constitutional limitations designed to preserve coherence within Indonesia's public law system (Aritonang & Maheswara, 2023).

Harmonization of the Draft Regional Regulation with the National Legislative Framework

The juridical validity of the Draft Regional Regulation of Ngawi Regency on the Management of Passive Telecommunications Infrastructure depends not only upon the existence of regional legislative authority but also upon its conformity with Indonesia's hierarchical system of legislation. Law Number 12 of 2011 concerning the Formulation of Laws and Regulations, as amended by Law Number 13 of 2022, establishes that every Regional Regulation must be formulated consistently with higher-ranking legislation and may not contain legal norms exceeding the authority conferred by statutory law. This legislative requirement reflects the principle of vertical harmonization, under which subordinate legislation derives its juridical legitimacy from conformity with constitutional and statutory norms rather than from the autonomous legislative discretion of local governments. From a systematic interpretation, the Draft Regional Regulation must therefore be read together with Law Number 36 of 1999 on Telecommunications, Law Number 23 of 2014 on Regional Government, Law Number 26 of 2007 on Spatial Planning, Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing, and Government Regulation Number 46 of 2021 concerning Postal Services, Telecommunications, and Broadcasting. The interaction among these legal instruments demonstrates that harmonization is not a procedural drafting requirement alone but constitutes a substantive constitutional mechanism for maintaining coherence within Indonesia's multilevel legal system. Contemporary legal scholarship likewise recognizes legislative harmonization as an essential safeguard against regulatory fragmentation resulting from overlapping statutory mandates and rapidly evolving public governance (Hayati & Warjiyati, 2021).

An examination of the Draft Regional Regulation demonstrates that its principal regulatory objectives are generally consistent with national policies promoting digital infrastructure development, investment facilitation, and sustainable spatial governance. The draft incorporates legal norms concerning infrastructure sharing, spatial utilization, administrative supervision, environmental considerations, and public interest protection, all of which correspond with the objectives reflected in national telecommunications and regional governance legislation. Nevertheless, several provisions require more precise formulation to prevent potential conflicts with the centralized licensing framework introduced through Government Regulation Number 5 of 2021. The implementation of the risk-based business licensing system fundamentally transformed administrative licensing by integrating business permits into a nationally coordinated electronic platform, thereby reducing the discretionary licensing authority previously exercised by regional governments. Consequently, provisions within the Draft Regional Regulation concerning permits, recommendations, or administrative approvals should be interpreted as complementary administrative mechanisms rather than independent licensing requirements capable of creating additional regulatory burdens. Such an interpretation preserves legal certainty while maintaining consistency with the national policy objective of simplifying investment procedures and improving administrative efficiency (Dewi et al., 2026).

The requirement for legislative harmonization also extends horizontally through the integration of the Draft Regional Regulation with Ngawi Regency Regional Regulation Number 4 of 2025 concerning the Regional Spatial Plan (RTRW) for the 2025–2045 period. Passive telecommunications infrastructure represents physical infrastructure occupying strategic public space, making its development inseparable from regional spatial planning policies governing land utilization, environmental protection, transportation corridors, and urban development. This relationship requires every provision regulating fiber-optic corridors, utility poles, underground ducts, and supporting facilities to remain compatible with the spatial structure and land-use allocation established under the RTRW. Horizontal harmonization therefore ensures that telecommunications development contributes to sustainable regional development rather than generating conflicts concerning land utilization, public

safety, or environmental management. Such an integrated regulatory approach reflects the contemporary understanding that digital infrastructure constitutes an essential component of regional development policy rather than merely a commercial telecommunications investment. The success of harmonization consequently depends upon the ability of regional legislation to coordinate multiple regulatory sectors within a coherent normative framework rather than regulating each sector independently (Hoessein, 2026).

Table 2. Normative Harmonization between the Draft Regional Regulation and Higher Legislation

Higher Legal Instrument	Normative Subject	Draft Regional Regulation	Harmonization Assessment
Law No. 36 of 1999 on Telecommunications	National telecommunications governance and technical authority	Regulates passive infrastructure management without governing telecommunications operations	Generally consistent; technical authority remains under the Central Government.
Law No. 23 of 2014 jo. Law No. 6 of 2023	Regional governmental authority	Regulates regional administrative functions and infrastructure management	Consistent with attributed regional authority.
Government Regulation No. 5 of 2021	Risk-based business licensing	Contains provisions relating to infrastructure administration and permits	Requires adjustment to avoid overlap with the OSS-RBA licensing system.
Government Regulation No. 46 of 2021 and RTRW of Ngawi Regency 2025–2045	Telecommunications standards and spatial planning	Regulates infrastructure placement and spatial conformity	Harmonization should be strengthened through more explicit cross-references to national standards.

The normative comparison presented in Table 2 indicates that the Draft Regional Regulation has largely accommodated the fundamental legal principles governing passive telecommunications infrastructure while still requiring refinement in several regulatory areas. The principal issue does not concern incompatibility with national legislation but rather the degree of normative precision in defining the relationship between regional administrative authority and nationally centralized regulatory mechanisms. Particular attention should be directed toward provisions governing infrastructure permits, infrastructure sharing obligations, administrative supervision, and coordination with electronic licensing systems. The absence of detailed legal references to implementing regulations may generate interpretative uncertainty for both public authorities and telecommunications operators responsible for infrastructure development. From the perspective of legislative drafting, legal certainty is achieved not only through consistency with superior legislation but also through the clarity and predictability of regulatory language. Harmonization therefore requires continuous legislative evaluation to ensure that regional regulations remain responsive to developments occurring within the broader national legal framework (Banola et al., 2025).

The doctrinal analysis further supports the normative hierarchy theories advanced by Hans Kelsen and Hans Nawiasky, according to which the validity of every subordinate legal norm depends upon its conformity with superior legal norms within an integrated hierarchical legal system. This theoretical framework implies that Regional Regulations cannot establish legal rules inconsistent with statutes, government regulations, or constitutional principles because such inconsistency would undermine their juridical legitimacy. The same conclusion is reinforced by legislative drafting doctrine, which emphasizes that legal certainty depends upon consistency of substance, institutional competence, regulatory clarity, and systematic integration across different levels of legislation. The transformation

of Indonesia's regulatory system through omnibus legislation has further strengthened the importance of continuous harmonization because statutory amendments inevitably require corresponding adjustments within subordinate legislation. The Draft Regional Regulation should therefore be regarded as a dynamic legal instrument capable of adapting to changes in national telecommunications policy rather than as a static regulatory framework established independently from future legislative developments (Khalistia et al., 2022). Such an adaptive approach is essential for ensuring that regional regulation continues to provide legal certainty while supporting technological innovation and sustainable digital infrastructure governance.

The analysis demonstrates that the Draft Regional Regulation possesses a generally coherent normative foundation within Indonesia's national legal framework, although several provisions require refinement to improve legal certainty and institutional coordination. Continuous harmonization remains necessary because telecommunications governance has experienced significant transformation following the implementation of the Job Creation Law, the risk-based licensing regime, and the acceleration of national digital transformation policies. Regional legislation must therefore evolve in parallel with changes occurring at the statutory and regulatory levels to avoid the emergence of obsolete legal norms incapable of responding to technological development. This analysis also confirms that harmonization should be understood as an ongoing constitutional obligation rather than a one-time legislative exercise completed during the drafting process. Maintaining coherence between national legislation and regional regulation ultimately strengthens legal certainty, enhances administrative effectiveness, and promotes sustainable digital infrastructure governance. The subsequent section develops this analysis further by proposing a normative reconstruction model capable of improving the adaptive capacity of the Draft Regional Regulation while preserving its consistency with Indonesia's evolving legal system.

Normative Reconstruction of the Draft Regional Regulation to Promote Adaptive Digital Infrastructure Governance

The preceding analysis demonstrates that the Draft Regional Regulation has established an adequate normative foundation for regulating passive telecommunications infrastructure, yet several substantive provisions remain insufficiently responsive to the evolving architecture of Indonesia's digital governance system. The acceleration of digital transformation has fundamentally altered the characteristics of telecommunications infrastructure, shifting regulatory attention from conventional telecommunications towers toward integrated passive infrastructure consisting of fiber-optic networks, underground ducts, utility poles, micro ducts, and supporting facilities interconnected with regional spatial planning. This transformation requires regional legislation capable of accommodating technological innovation without compromising legal certainty, administrative accountability, and constitutional principles governing the distribution of governmental authority. A regional regulatory framework that merely reproduces existing statutory provisions contributes little to resolving practical legal issues emerging from increasingly complex digital infrastructure governance. Regulatory reconstruction should therefore prioritize adaptive norm formulation capable of responding to future technological developments while remaining consistent with higher-ranking legislation. Such an adaptive orientation reflects the broader movement toward responsive legislation designed to maintain regulatory effectiveness within rapidly changing governance environments (Firdaus & Panjaitan, 2024).

A primary component of the proposed reconstruction concerns strengthening institutional coordination and clarifying the allocation of administrative authority among regional agencies responsible for telecommunications infrastructure governance. Although the Regional Government Law attributes authority to local governments in matters relating to spatial utilization, construction supervision, and regional administration, effective implementation depends upon coordinated interaction among the Office of Communication and Informatics, the Office of Public Works and Spatial Planning, the Investment and One-Stop Integrated Service Office, and the Regional Secretariat. The Draft Regional Regulation should therefore expressly regulate institutional coordination mechanisms, integrated administrative procedures, and standardized supervisory responsibilities to minimize overlapping authority and administrative fragmentation. Regulatory clarity regarding inter-agency responsibilities also contributes to more predictable administrative decision-making and strengthens public accountability in infrastructure governance. Administrative law increasingly recognizes coordinated governance as an essential requirement for effective public administration

because fragmented institutional responsibilities frequently generate inconsistent regulatory outcomes. Strengthening institutional integration consequently represents a juridical necessity rather than merely an administrative preference (Ali & Rozi, 2026).

Table 3. Proposed Regulatory Reconstruction Framework

Regulatory Dimension	Existing Issue	Proposed Reconstruction	Expected Legal Outcome
Legislative Harmonization	Incomplete alignment with recent national regulations	Periodic harmonization with statutes and implementing regulations	Greater legal certainty and normative consistency
Institutional Governance	Fragmented administrative coordination	Integrated inter-agency coordination mechanism	Improved administrative effectiveness
Digital Administration	Limited regulatory support for digital supervision	GIS-based monitoring and integrated digital information system	Transparent and accountable governance
Infrastructure Sharing	General regulatory provisions without operational standards	Detailed rights, obligations, technical standards, and dispute resolution mechanisms	Increased investment efficiency and regulatory certainty

The reconstruction model summarized in Table 3 emphasizes that improvements should extend beyond legislative drafting toward institutional modernization and digital administrative governance. One essential innovation involves integrating geographic information systems with the national risk-based licensing platform to facilitate infrastructure mapping, spatial conformity assessment, administrative supervision, and compliance monitoring. Such digital integration would improve transparency, reduce administrative duplication, strengthen evidence-based decision-making, and facilitate coordination between regional and central government institutions. The regulatory framework should likewise establish comprehensive provisions governing infrastructure sharing, including technical standards, operator obligations, maintenance responsibilities, cost allocation mechanisms, and administrative dispute resolution procedures. Detailed legal regulation of infrastructure sharing is increasingly important because passive infrastructure has become a shared strategic asset supporting efficient telecommunications investment and sustainable regional development. Contemporary studies concerning Indonesian telecommunications governance similarly emphasize that integrated infrastructure management represents a prerequisite for accelerating equitable digital connectivity throughout the country (Rohman et al., 2025).

From the perspective of legal doctrine, the proposed reconstruction remains consistent with the theories of governmental authority, legislative harmonization, legal certainty, and the General Principles of Good Governance. Governmental authority may only be exercised within limits established by statutory legislation, requiring every administrative power delegated to regional governments to remain proportionate, accountable, and legally justified. Legislative harmonization simultaneously requires subordinate legislation to evolve alongside statutory reform in order to preserve coherence within the national legal system and prevent the emergence of conflicting legal norms. The General Principles of Good Governance further require transparency, proportionality, accountability, legal certainty, and public participation throughout the formulation and implementation of administrative regulations governing strategic infrastructure. These doctrinal principles collectively support a regulatory framework capable of balancing investment facilitation with the protection of public interests and constitutional governance values. Such an approach corresponds with recent developments in Indonesian administrative law emphasizing adaptive governance and digitally oriented public administration as integral components of contemporary legal reform (Rahmadani, 2026).

The proposed reconstruction ultimately contributes both theoretically and normatively to the development of Indonesian telecommunications law by demonstrating that effective regional regulation requires continuous harmonization with national legislation, adaptive institutional arrangements, and technologically responsive administrative governance. Unlike previous studies primarily concentrating

on telecommunications tower licensing or administrative permit simplification, this analysis conceptualizes passive telecommunications infrastructure as an integrated component of regional digital governance requiring comprehensive legal regulation across multiple sectors. The reconstruction model therefore extends beyond resolving isolated normative inconsistencies by establishing an integrated legal framework capable of supporting sustainable digital infrastructure development under conditions of rapid technological change. Its principal contribution lies in combining hierarchical legislative harmonization, governmental authority doctrine, spatial planning regulation, and digital administrative governance into a coherent analytical framework applicable to regional legislation. Such an integrated normative model provides a stronger theoretical foundation for future regional regulatory reforms concerning passive telecommunications infrastructure throughout Indonesia while reinforcing legal certainty within the evolving national digital governance ecosystem.

CONCLUSION

This study concludes that the Draft Regional Regulation of Ngawi Regency on the Management of Passive Telecommunications Infrastructure possesses a sound juridical foundation derived from the constitutional principles of decentralization, regional autonomy, and the hierarchical structure of Indonesian legislation. The authority of the Ngawi Regency Government to regulate passive telecommunications infrastructure is legally attributable under Law Number 23 of 2014 on Regional Government, provided that its exercise remains within the limits established by Law Number 36 of 1999 on Telecommunications and other higher-ranking legislation governing telecommunications administration. The doctrinal analysis demonstrates that the Draft Regional Regulation is generally consistent with the national legal framework governing telecommunications, spatial planning, and risk-based business licensing, although several provisions require refinement to ensure greater coherence with recent regulatory developments. The study also confirms that legislative harmonization should be understood as a continuous juridical obligation because technological innovation and regulatory reform have significantly transformed the governance of digital infrastructure. From the perspective of State Administrative Law, legal certainty depends not only upon normative consistency but also upon the institutional capacity of regional governments to coordinate administrative functions, implement effective supervisory mechanisms, and integrate digital governance into public administration. These findings reinforce the importance of adaptive regional legislation capable of balancing investment facilitation, public interest protection, administrative accountability, and sustainable regional development within Indonesia's evolving digital governance system.

This study further contributes to legal scholarship by developing a normative analytical framework integrating the theories of governmental authority, legislative harmonization, legal certainty, and the General Principles of Good Governance in evaluating regional regulation governing passive telecommunications infrastructure. Based on this framework, the proposed regulatory reconstruction emphasizes four interrelated dimensions, namely strengthening legislative harmonization, improving institutional coordination, accelerating digital governance transformation, and optimizing infrastructure-sharing arrangements. These dimensions collectively provide a more coherent legal model for addressing normative inconsistencies while enhancing administrative effectiveness and regulatory responsiveness to technological advancement. The proposed reconstruction also extends the existing discourse on telecommunications law by shifting the analytical focus from conventional tower regulation toward comprehensive governance of passive telecommunications infrastructure as a strategic component of regional digital development. The findings may serve as a normative reference for local governments undertaking similar regulatory reforms and contribute to the broader development of adaptive regional legislation within Indonesia's multilevel legal system. Future research may complement this doctrinal analysis through empirical legal studies examining the implementation of reconstructed regional regulations, institutional practices, and stakeholder compliance in supporting sustainable digital infrastructure governance.

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