



THE IDEA OF THE BOTTOM-UP PARADIGM TO TOP-DOWN IN REGIONAL ARRANGEMENT IN INDONESIA

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ABSTRACT

The reformation era in Indonesia emphasized regional autonomy, resulting in the creation of numerous regions, as affirmed by Articles 18, 18A, and 18B of the 1945 Constitution. Laws Number 22 of 1999 and 23 of 2014 supported a bottom-up paradigm, allowing local communities to propose new regions. However, not all proposals were accepted by the central government, leading to national integration threats and community conflicts. This approach has resulted in unequal development and delays due to conflicting interests between local communities and the central government. Such imbalances have fostered resentment and hindered cohesive national development. This research proposes a top-down approach where the central government fully oversees regional expansion. By centralizing the decision-making process, resources and development opportunities can be more evenly distributed, reducing conflicts and streamlining administrative procedures. The urgency of this shift is underscored by the potential risks to national unity and stability under the current system. The proposed top-down approach aims to enhance the efficiency and effectiveness of state administration, ensuring that regional autonomy contributes positively to national cohesion and progress.

1. Introduction

A primary outcome for any nation that embraces democracy in its national life is the need to implement democratic principles effectively. This entails not only recognizing democratic ideals but also putting them into practice within the country's political and social systems. The right to express inspiration has become one of the focuses of many studies, because a democratic state will basically

recognize the political rights of its people.¹ Political rights are one of the important studies conducted after the reformation, because of the many mistakes of the previous regime towards the political rights of the people. This further emphasizes that the relationship between the people and the government is one of the fundamental studies in the study of democracy.² The shift from the old order to the reform era in Indonesia aimed to strengthen democracy. This transition, marked by the decentralization law and constitutional revisions, sought to transform the existing conditions and promote democratic governance.³ Key reform demands included amending the constitution, eradicating corruption, collusion, and nepotism, ending the dual function of the Armed Forces, enforcing the law, upholding human rights and democracy, ensuring press freedom, and granting regional autonomy. These changes were pivotal in advancing Indonesia's democratic development.⁴ Regional autonomy became one of the important focuses in the implementation of the new government. This is because during the reign of the new order regime, the government was centralized.⁵

The real effort in strengthening regional autonomy was realized through the enactment of Law No. 22/1999 (which was later revised through Law No. 32/2004). Decentralization involves the creation of autonomous regions and the delegation of legal authority to manage specific areas of governance.⁶ Through this law, regions are given broad authority to manage their own affairs while maintaining a relationship with the central government, making regional autonomy a crucial aspect considered in the legislation.⁷ Regional autonomy is very important, because through regional autonomy the central government authorizes autonomous regions to take care of managing their own households with regard to government affairs and their own communities which are then integrated into the Indonesian state.⁸ One of the impacts of the granting of regional autonomy as stipulated in Law Number 22 of 1999 which was later revised through Law Number 32 of 2004 is the provision of opportunities for blood to carry out regional expansion.⁹ The principles of regional expansion known in Indonesia at this time

¹ Christian Stecker and Markus Tausendpfund., Multidimensional government-citizen congruence and satisfaction with democracy, *European Journal of Political Research*, Vol.55, no.3, 2016, page.495.

² Julian Bernauer and Adrian Vatter., Can't get no satisfaction with the Westminster model? Winners, losers and the effects of consensual and direct democratic institutions on satisfaction with democracy, *European Journal of Political Research*, Vol.51, no.4, 2012, page.438.

³ Yazid, Sylvia and Aknolt K. Pakpahan., Democratization in Indonesia: Strong state and vibrant civil society, *Asian Affairs: An American Review*, Vol.47, no.2, 2020, page.79.

⁴ Meidi Kosandi and Subur Wahono., Military reform in the post-new order Indonesia: a transitional or a new subtle role in Indonesian democracy?, *Asian Politics & Policy*, Vol.12, no.2, 2020, page.229.

⁵ Andi Azikin., Makna Otonomi Daerah Dalam Penyelenggaraan Pemerintahan Daerah Pada Era Reformasi, *Jurnal MP (Manajemen Pemerintahan)*, Vol.3, no.4, 2018, page. 35-41.

⁶ Roy Marthen Moonti., Regional Autonomy in Realizing Good Governance, *Substantive Justice International Journal of Law*, Vol.2, no.1, 2019, page.45.

⁷ Ridwan Arifin Rodyah and Steven., Local Autonomy and Federalism: How Indonesia Deal With Democracy in The Global Governance?, *Pandecta*, Vol.15, no.2, 2020, page.348.

⁸ Dadang Sufianto., Pasang surut otonomi daerah di Indonesia, *Academia Praja: Jurnal Ilmu Politik, Pemerintahan, dan Administrasi Publik*, Vol.3, no.02, 2020, page.278.

⁹ Ebed Hamri, Eka Intan Kumala Putri, Hermanto J. Siregar, and Deddy S. Bratakusumah., Kebijakan Pemekaran wilayah dan pengembangan pusat pertumbuhan ekonomi Kota Tasikmalaya, *Jurnal Ekonomi Dan Kebijakan Publik*, Vol.7, no.1, 2016, page.115.

are the principles of independence and justice, previously the principles applied were the principles of efficiency and growth.¹⁰ The major impact of the implementation of regional autonomy, especially regional expansion, is the emergence of many new regions in Indonesia.

Table 1. Total Addition of Provinces and Districts to Cities Before and After Decentralization Politics in 1999

No	Information	Number of Provinces	Number of Regencies	Number of Cities
1.	Before Decentralization 1999	26 Provinces	234 Regencies	59 Cities
2.	After Decentralization 1999	34 Provinces	415 Regencies	93 Cities

Table 1 shows the total number of additional provinces, districts, and cities before and after the 1999 decentralization policy in Indonesia. Prior to decentralization, Indonesia was composed of 26 provinces, 234 districts, and 59 cities. This structure meant that administrative responsibilities and governance were highly centralized, with the central government maintaining significant control over regional affairs.¹¹ Following decentralization, Indonesia saw an increase in administrative divisions, with provinces rising to 34,¹² districts to 415, and cities to 93. This expansion reflects the shift towards greater regional autonomy and local governance. The decentralization policy implemented in 1999 aimed to provide greater autonomy to local governments in Indonesia. This was expected to increase public participation in decision-making and reduce the centralization of power in Jakarta.

The increase in the number of provinces, districts, and cities after decentralization highlights the government's effort to grant greater authority to local governments. This approach is particularly significant for Indonesia's disadvantaged regions, as decentralized governance aims to improve local administration, enhance public services, and address regional disparities more effectively.¹³ This may also suggest that decentralization has spurred regional economic growth and infrastructure development. However, this increase does not necessarily correlate with improved public services and regional development. Achieving the goals of decentralization also requires improvements in human resources, effective and efficient regional

¹⁰ Andik Wahyun Muqoyyidin., Pemekaran wilayah dan otonomi daerah pasca reformasi di Indonesia: Konsep, Fakta Empiris dan rekomendasi ke Depan, *Jurnal konstitusi*, Vol.10, no.2, 2013, page.289.

¹¹ Tessa Talitha, Tommy Firman, and Delik Hudalah., Welcoming two decades of decentralization in Indonesia: a regional development perspective, *Territory, Politics, Governance*, Vol.8, no.5, 2020, page.697.

¹² Agung Kurniawan and Suswanta Suswanta., Manajemen Aparatur Sipil Negara Dalam Mewujudkan Tata Kelola Pemerintahan Yang Bai, *Kemudi: Jurnal Ilmu Pemerintahan*, Vol.5, no.01, 2020, page.136.

¹³ Dennis Shoemith, Nathan Franklin, and Rachmat Hidayat., Decentralised governance in Indonesia's disadvantaged regions: A Critique of the underperforming model of local governance in Eastern Indonesia, *Journal of Current Southeast Asian Affairs*, Vol.39, no.3, 2020, page.361.

budget management, and community involvement in the development process.¹⁴

The key issue is ensuring that regional expansion leads to more equitable development and widespread economic growth.¹⁵ Regional autonomy is considered one of the best methods to achieve this. However, development has predominantly centered on Java, neglecting other islands like Sumatra, Kalimantan, Sulawesi, and Papua, creating imbalances in regional development. Therefore, proposing changes to the current system is crucial.

Table 2. Province, Regency, and City Growth Data for the Period 2009-2021

Period	Additional Province	District/City Total	Number of Provinces	Number of Cities
2009-2013	2	53	33	537
2014-2018	3	74	34	611
2019-2022	4	19	38	630

From 2009 to 2021, Indonesia saw an increase in provinces, regencies, and cities. Although no new provinces were added between 2019 and 2021, new regencies and cities emerged. In mid to late 2022, regional expansion in Papua added four new provinces: South Papua (Law No. 14/2022), Central Papua (Law No. 15/2022), Papua Mountains (Law No. 16/2022), and Southwest Papua (Law No. 29/2022), bringing Indonesia's total to 38 provinces.¹⁶ Preparations for these new provinces are ongoing. Currently, Indonesia follows a bottom-up approach to regional expansion, allowing regions to decide on expansion if they meet legal requirements.

Although the principle of regional expansion that currently applies in Indonesia is bottom-up, there are still several issues that need to be considered in relation to this principle. Some of these problems include:

1. Inequality in Community Participation: Not all regions can equally participate in the expansion process, affecting fairness and inclusivity.
2. Limited Resources: Adequate human, financial, and infrastructure resources are essential, but many regions face limitations, hindering expansion efforts.
3. Potential Conflict: Expansion can lead to conflicts between local and central governments or among local communities due to differing views and interests, obstructing the process.

¹⁴ Asep Sumaryana, Syifa Rachmania Komara, and Ramadhan Pancasilawan., Rethinking Local Government Asset Management in Indonesia: Governance, Planning, and Policy Evaluation, *Journal of Contemporary Governance and Public Policy*, Vol.5, no.2, 2024, page.219.

¹⁵ Kostiantyn Gorobets., Solidarity as a Practical Reason: Grounding the Authority of International Law, *Netherlands International Law Review*, Vol.69, no.1, 2022, page.17.

¹⁶ Lintje Anna Marpaung and Handayani IGKAR., Implication of Regional Extension Policy in Indonesia: A legal Perspective, *South East Journal of Contemporary Bussiness, Economic and Law*, Vol.7, no.3, 2015, page.27.

In the latest data on the growth of provinces, regencies and cities in Indonesia for the period 2009-2021 presented, it can be seen that there are additional provinces, regencies and cities in Indonesia. However, it should be noted that these additional regions do not always solve the problems in the regions concerned. Therefore, it is necessary to regularly evaluate and monitor the bottom-up principle in the process of regional expansion to ensure that this principle can be implemented effectively and efficiently.¹⁷

Initially, the spirit behind granting regional autonomy was to correct the mistakes of the previous centralized regime. Development in Indonesia had been uneven and Java-centric, leading to socio-economic jealousy among Indonesians outside Java, the center of the country's development.¹⁸ The transfer of some authority from the central government to local governments aimed to achieve equitable development across Indonesia. However, decentralization has also had negative impacts, such as obstructing development due to regional obstacles, particularly regional expansion.¹⁹ These obstacles can even lead to national disintegration, with new conflicts arising over regional boundaries and within communities in border areas.²⁰ One example of the negative impact of regional expansion is seen in Puncak Regency, Papua. In 2008, Puncak Jaya Regency was split into Puncak Regency and Puncak Jaya Regency. However, the division lacked adequate human and financial resources, hampering development in both areas. This expansion also led to conflicts between local governments and communities, particularly over administrative issues and identity card distribution. Many residents struggled to manage their IDs due to the regional expansion.

A current example of these issues is the ongoing movement of the Free Papua Movement (*Organisasi Papua Merdeka/OPM*) in Papua. The OPM's activities highlight the severe implications of ineffective regional autonomy and regional expansion. The conflicts and unrest in Papua demonstrate how local discontent and regional disputes can escalate, threatening national unity.²¹ This situation underscores the urgent need to reassess and potentially shift from the bottom-up approach to a top-down paradigm for regional expansion. Centralizing authority over regional expansion could help address these conflicts more effectively, ensuring balanced development and stronger national cohesion.

¹⁷ Winda Fitri., The Legal Protection for Security Crowdfunding Based on Sharia Investment in MSMEs Economic Recovery, *International Journal of Law Reconstruction*, Vol.7, no.1, 2023, page.45.

¹⁸ Randall Crane., The Practice of Regional Development in Indonesia: Resolving central-local coordination issues in planning and finance, *Public Administration and Development*, Vol.15, no.2, 1995, page. 141.

¹⁹ Ebed Hamri, Eka Intan Kumala Putri, Hermanto J. Siregar, and Deddy S. Bratakusumah., Kebijakan Pemekaran wilayah dan pengembangan pusat pertumbuhan ekonomi Kota Tasikmalaya, *Jurnal Ekonomi Dan Kebijakan Publik*, Vol.7, no.1, 2016, page.115.

²⁰ Syifa Haerunisa, Puguh Santoso, and Achmed Sukendro., Konflik Batas Wilayah Daerah Pemekaran Kepulauan Seribu Mengancam Keamanan Nasional, *Jurnal Kolaborasi Resolusi Konflik*, Vol.4, no.1, 2022, page.45.

²¹ Aemro Tenaw Birhan., Ethnic Identity and National Unity in Ethiopia: Challenges and Opportunities for Building National Consensus, *Journal of Political Science and International Relations*, Vol.8, no.1, 2024, page.44.

The bottom-up system in regional expansion emphasizes community participation in the decision-making process to improve decision quality and reduce conflict potential. However, in practice, there is still a tendency to use a top-down approach dominated by political interests and central power.²² Recent data on regional expansion in Indonesia reveal uneven community participation and potential conflict, indicating that the bottom-up concept has not been effectively implemented to strengthen regional autonomy. This situation hampers regional planning in Indonesia because the bottom-up approach is prone to community conflict.²³ Moreover, regional expansion is fundamentally an authority of the central government, as stated in Article 38, paragraph (2) of Law Number 23 of 2014. This means that the acceptability of regional expansion ultimately depends on the central government's judgment. This study will explore the weaknesses of the bottom-up concept and the urgency of shifting to a top-down paradigm for regional expansion in Indonesia.

The urgency of this topic is underscored by the inherent conflicts within the bottom-up approach. The uneven participation and potential for conflict highlight the need for a more effective method. Given that regional expansion is a central government authority,²⁴ a top-down approach could ensure more equitable and conflict-free regional planning. Centralizing the decision-making process can streamline administrative procedures, reduce conflicts, and enhance governance efficiency. This shift is essential to improve the effectiveness of regional autonomy and ensure that decentralization efforts truly benefit local populations.²⁵ The bottom-up concept for regional expansion in Indonesia, implemented since the beginning of the reform era, has proven inefficient in strengthening regional autonomy. This approach has led to conflicts and potential disintegration due to obstacles in the regions. Shifting to a top-down concept could be a more effective alternative for regional planning. This change would give the central government a more dominant role in determining regional expansion policies, allowing for more planned and measured expansion, and reducing harmful conflicts.

However, it is important to remember that any change in this concept must be accompanied by strengthening active community participation in the policy formation process. This is crucial to minimize potential conflicts within society that may arise from the implementation of a bottom-up concept prone to conflict. While regional expansion fundamentally remains under the central government's authority, as stipulated in Article 38, paragraph (2) of Law Number 23 of 2014, the government should enhance coordination between the central and regional governments and involve the community in every stage of regional expansion policy formation. By actively engaging the community, the government can reduce

²² Lina Jamilah and Arif Firmansyah. "Preliminary Concept of Alternative Agrarian Reform for Justice: The Social Tenure Domain Model (STDM) Approach to Constructing a Just Society in Indonesia," *Jurnal Hukum*, Vol.39, no.2, 2023, page.179.

²³ Sulistyowati Sulistyowati, Agus Salim, Puspa Eriyani, and Siti Mastroah., Government Regulation Substituting the Law on Job Creation in the Perspective of Constitutional Law, *Jurnal Hukum*, Vol.39, no.2, 2023, page.234.

²⁴ Indra Muchlis Adnan., The Conceptual and Historical Review of Constitutional Law in Indonesia, *Jurnal Pembaharuan Hukum*, Vol.10, no.1, 2023, page.46.

²⁵ Fifiana Wisnaeni and Kornelius Yosua Dimas Nugroho., Legal Politics Of Regional Head Elections During The Covid-19 Pandemic: Do Antagonistic Implications?, *Jurnal Pembaharuan Hukum*, Vol.10, no.1, 2023, page.106.

conflict potential, increase acceptance of policies, and ensure that regional development aligns with the interests and aspirations of local communities.²⁶

Thus, it is expected that the change from bottom-up to top-down concept can bring positive changes in regional planning in Indonesia. However, this change must also be accompanied by active community participation and good coordination between the central and regional governments to ensure that the policies taken can achieve their goals and provide maximum benefits for people in all regions of Indonesia. Indonesia has experienced rapid economic growth and infrastructure development in recent years.²⁷ However, untargeted regional expansion, driven by the interests of political elites and local rulers, can negatively impact the people in these regions. Decentralization in Indonesia aims to grant autonomy to regions to manage their own resources and policies, improving the welfare of local populations. However, several factors hinder decentralization's success, such as misdirected regional expansion harming local communities, and a lack of capacity and human resources to manage policies and resources effectively.

This research focuses on two primary issues, how to mitigate the adverse effects of untargeted regional expansion driven by political elites and local leaders in Indonesia, and how to improve regional welfare within the decentralization system when regional expansion is not effectively targeted. The urgency of this research lies in the need to reassess the current bottom-up paradigm in regional expansion.²⁸ The bottom-up approach often leads to unequal development, conflicts of interest, and inefficiencies in resource distribution and policy management. This imbalance can foster resentment and impede cohesive national development. Therefore, it is crucial to explore a paradigm shift from bottom-up to top-down in regional expansion. A centralized approach, where the central government takes full control over regional expansion, can ensure a more equitable distribution of resources and development opportunities. This centralized decision-making process aims to minimize conflicts, simplify administrative procedures, and improve governance efficiency. Such a shift is crucial to mitigate the risks to national unity and stability inherent in the current system. Adopting this approach can enable regional autonomy to effectively enhance national cohesion and advancement, ensuring that decentralization efforts genuinely benefit local communities.

2. Research Methods

The research method applied in this research is normative legal research. Normative research methods are included in the doctrinal-norm logical method,

²⁶ Indah Pratiwi Widyaningrum., The Legal Protection of Fiduciary Guarantee Recipients & Resolution of Tort Disputes in the Fiduciary Guarantee Agreement at PT Astrido Pacific Finance, *Jurnal Akta*, Vol.10, no.3, page.189.

²⁷ Rian Saputra and Silaas Oghenemaro Emovwodo., Indonesia as legal welfare state: The policy of Indonesian national economic law, *Journal of Human Rights, Culture and Legal System*, Vol.2, no.1, 2022, page.11.

²⁸ Tiva Novianti Lubis and Khalid Khalid., Handling of IPR Violations at the Regional Office of the Ministry of Law and Human Rights of North Sumatra, *Law Development Journal*, Vol.5, no.3, page.311.

where research departs from rules as guidelines for conducting research.²⁹ This research uses a political and philosophical perspective approach to answer the problems studied. The development of this method is very important because legal studies are closely related to political theory and philosophy. As W. Friedmann emphasizes, systematic legal theory inherently intersects with political theory and philosophy to some degree. In its evolution, philosophy and ideology frequently align within academic studies.³⁰ This underscores the urgency of examining the shift from a bottom-up to a top-down paradigm in regional expansion in Indonesia. Understanding this paradigmatic change is crucial because it involves not only legal and administrative frameworks but also philosophical underpinnings that influence governance and societal outcomes. By reassessing this approach, Indonesia can potentially align regional development more effectively with broader political and philosophical considerations, ensuring coherent and sustainable progress.

3. Results and Discussion

3.1. Addressing the Negative Impacts of Untargeted Territorial Expansion Driven by the Interests of Indonesia's Political Elites and Local Rulers

The concept of decentralization is a trend that is very much applied in developing countries, it can even be said that the majority of developing countries in the world apply decentralization.³¹ Regional decentralization is a concept of government in which the central government gives authority and responsibility to local governments to manage public affairs in their own regions. Some theoretical perspectives sourced from international journals that can be used to explain the concept of regional decentralization include:

1. Agency Theory

Decentralization creates local government agents with authority over public affairs, enhancing public participation and local government accountability.

2. Institutional Theory

Decentralization is part of broader institutional change, aiming to strengthen democratic governance and public participation. Its success depends on legal quality, administrative capacity, and public trust.

3. Public Choice Theory

Decentralization involves political decision-making influenced by political actors' interests. While it can empower local elites, it also offers communities opportunities to advocate for their interests and participate in decision-making.

²⁹ B. Arief Sidharta., *Refleksi Tentang Fundasi Dan Sifat Keilmuan Ilmu Hukum Sebagai Landasan Pengembangan Ilmu Hukum Nasional Indonesia= Reflection Concerning the Foundation and Scientific Character of the Legal Science as the Basis for Developing Indonesia's National Legal Science*, Bandung, Universitas Padjajaran, 1996, page.76.

³⁰ Wolfgang Friedmann., The Uses of 'General Principles' in the Development of International Law, *American Journal of International Law*, Vol. 57, no.2, 1963, page.279.

³¹ Paul K. Gellert and Andiko., The quest for legal certainty and the reorganization of power: Struggles over forest law, permits, and rights in Indonesia, *The Journal of Asian Studies*, Vol.74, no.3, 2015, page.641.

Regional decentralization contrasts with centralization, where the central government controls public affairs, limiting local participation. Decentralization enhances public involvement and empowers local governments, promoting justice and equity.³² However, as institutional theory highlights, its success relies on institutional quality and public trust.

The centralized government model is considered to have failed and cannot solve the needs that are evenly distributed within a country,³³ which has also happened in the history of Indonesia. The main hope for decentralization is to improve local welfare. Before the reform, Indonesia's centralized governance led to unequal welfare. The 1997 Asian financial crisis worsened the situation, culminating in President Soeharto's resignation on May 21, 1998, ending the New Order regime. Many advocated for decentralization to stabilize various aspects, particularly the economy, and enhance people's welfare.³⁴ In practice, decentralization often benefits political elites and local rulers, allowing them to consolidate political power and strengthen control over regional social and economic resources.³⁵ Decentralization indirectly provides an autonomous arena for political elites and local rulers. While creating new autonomous regions aims to reduce conflict, post-reform decentralization in Indonesia has led to regional expansion. Exploring unexpected findings in legal theories or frameworks could offer insights into their impact on legal practice or jurisprudence.

The regional expansion referred to in this study is regional expansion in the sense of regional division as confirmed in Article 33 paragraph (1) of Law Number 23 Year 2014. Before further discussing regional expansion in Indonesia, the following is presented regarding the development (expansion) of the number of provinces and districts / cities in Indonesia from 1998 to 2022:

Table 3. Development of the Number of Provinces and Districts in Indonesia

Year Number	Number of Provinces	Number of Districts/Cities
1998	27	299
2004	33	440
2010	33	491
2014	34	508
2022	38	514

Table 3 illustrates the rapid growth of provinces and districts/cities in Indonesia from 1998 to 2022. In 1998, Indonesia had 27 provinces and 299 districts/cities. By 2004, provinces increased to 33, and districts/cities reached 440. In 2010, provinces remained at 33, but districts/cities grew to 491. By 2014, provinces

³² Ben Palmquist., Equity, participation, and power: achieving health justice through deep democracy, *Journal of Law, Medicine & Ethics*, Vol.48, no.3, 2020, page.398.

³³ Rachmad Erland Danny Darmawan., *The Practices of Decentralization in Indonesia and Its Implication on Local Competitiveness*, Enschede, University of Twente, 2008, page.413.

³⁴ *Ibid*, 361.

³⁵ Kardin M. Simanjuntak., Implementasi kebijakan desentralisasi pemerintahan di Indonesia, *Jurnal Bina Praja*, Vol.7, no.2, 2015, page.121.

expanded to 34, and districts/cities numbered 508. In 2022, Indonesia had 38 provinces and 514 districts/cities, reflecting the government's decentralization policy to empower local governments. This aims to enhance community participation in decision-making and promote development and equity nationwide.

Post-reform, regional expansion in Indonesia can be initiated by the Government or Regional House of Representatives, adhering to requirements in Law No. 23/2014. Pre-reform, a top-down administrative process was selective. Currently, the bottom-up process is politically influenced and challenging to control. Government Regulation No. 78/2007 aimed to curb regional expansion, further supported by a MoU limiting provinces to 44 and regencies/cities to 546 by 2025. This reflects efforts to mitigate negative impacts, such as political interests and ineffective expansion under the bottom-up principle. Furthermore, in general, there are several hidden reasons for regional expansion:³⁶

1. Gerrymander, where regional expansion is part of the interests of certain political parties. The example of the expansion of Papua carried out during the administration of President Megawati is thought to be an attempt to split the votes of opposing parties.
2. Regional expansion is seen as a form of business transaction. Pratikno noted that the initiative for the legislative process of regional expansion was mostly initiated by the House of Representatives (*Dewan Perwakilan Rakyat/DPR*). It can be said that the DPR most often proposes draft laws relating to regional expansion.
3. Regional expansion is merely a response to certain acts of religious and ethnic separatism that basically aim to build the image of the regime, strengthen the legitimacy of the regime in power, and the self-interest of the regional and central elites.

Regional expansion in Indonesia is controversial due to alleged hidden motives. Ratnawati identifies several reasons, first, it's seen as gerrymandering to benefit political parties by dividing votes. This threatens democracy by prioritizing political gain over public interest. Second, it's viewed as a business transaction involving the DPR, potentially driven by economic interests like resource management or infrastructure development. Third, it's sometimes a response to religious or ethnic issues, aiming to bolster the ruling regime's legitimacy but risking national unity if not based on historical or cultural factors.

The hidden reasons underlying regional expansion suggest a lack of transparency and certain political interests behind this policy. This can lead to adverse consequences for society, especially if regional expansion is not based on real needs and public interests. Then, there is some clear evidence of the negative impact of regional expansion in Indonesia:³⁷

³⁶ Tri, Ratnawati., *Pemekaran Daerah: Politik Lokal Dan Beberapa Isu Terseleksi*, Yogyakarta, Pustaka Pelajar, 2009, page.132.

³⁷ Mexsasai Indra., *Gagasan Desentralisasi Asimetris Dalam Pengelolaan Wilayah Perbatasan Provinsi Kepulauan Riau Dalam Mewujudkan Kepulauan Riau Sebagai Poros Maritim Dan Menjaga Kedaulatan Negara*, *Riau Law Journal*/Vol. 5, no.2, 2021, page.146.

1. Violent conflict

One of them is Polewali-Mamasa Regency which in 2002 was divided into Polewali Mandar Regency and Mamasa Regency in West Sulawesi Province. The conflict occurred in Aralle, Tebilahan and Mambi (ATM) districts. These three districts refused to join Mamasa Regency. Violent conflict also occurred in the formation of West Irian Jaya Province. The latest case was an anarchic demonstration by supporters of the plan to form Tapanuli Province, which resulted in the death of the Chairman of the Regional People's Representative Council of North Sumatra Province.

2. Drastic decline in population and PAD. For example: the case of North Aceh Regency before expansion had a population of 970,000. After the division (into Bireuen City, Lhokseumawe City and North Aceh Regency) the population was 420,000. The formation of Singkawang City caused Bangkayang Regency to lose a lot of its population due to immigration to Singkawang City. In addition, Bangkayang also experienced a drastic decrease in regional PAD after Singkawang left. A similar case occurred in the expansion area of Metro City (Lampung), which was established in 1999.
3. Narrowing of the area and burden on the main area. West Halmahera Regency, which after regional expansion narrowed dramatically, is now burdened with financing for new regions in North Halmahera, South Halmahera, and Sula Islands.
4. Territorial struggles and capital city expansion issues. This is the case, for example, between the Kampar regional government and the Rokan Hulu regional government over three villages, namely Tandun, Aliantan and Kabun. Conflict in the capital city of a new expansion also occurred in the case of Banggai Regency (Central Sulawesi).
5. Conquest of assets. This case occurred in Nunukan Regency, which was expanded in 1999 and then fought over buildings and equipment with its parent regency (Bulungan Regency). The same problem also occurred between the city of Lhokseumawe (a new division) and the district of Lhoksukon in Aceh, its main region.

Regional expansion in Indonesia has led to conflicts and violence, such as in Polewali-Mamasa and West Irian Jaya. It has also caused population decline and reduced local revenue in places like North Aceh and Bangkayang. Additionally, expansion can burden the main area and constrict regions, seen in West Halmahera. Issues like new capital city disputes, as in Banggai, further complicate matters. The negative impacts of regional expansion can occur in various aspects, including political, social and economic.³⁸ Therefore, there is a need for careful consideration and careful analysis before conducting regional expansion to avoid unwanted negative impacts.

³⁸ Muhammad Risnain., The Concept of the Archipelagic Province and Archipelagic State in the Perspective of National and International Law, *Lampung Journal of International Law*, Vol.3, no.2, 2021, page.78.

3.2. Efforts Made in The Decentralization System to Improve Welfare in Each Region if Regional Expansion is Not on Target

According to Ferrazzi,³⁹ regional expansion can be seen as part of the process of territorial restructuring or territorial reform or administrative reform, namely, the management of the size, shape and hierarchy of local government units for the purpose of achieving political and administrative goals. Ferrazzi argues that the optimal regional autonomy grand strategy does not stop at being able to determine the ideal number of autonomous regions in a country, but more than that, it must be able to answer the question of what is the nature of regional autonomy in the country concerned. As in Ukraine, the essence of territorial and administrative reform in Indonesia is to move away from the centralized model of government.⁴⁰ Furthermore, there is an attempt to find an answer as to what exactly regional division is (in the context of territorial reform). According to Gabrielle Ferrazzi, from a theoretical standpoint, this can be viewed as a component of territorial structuring, territorial reform, or administrative reform. It involves the management of the size, shape, and hierarchy of local government units with the aim of achieving political and administrative objectives.

Ferrazzi's insights on administrative reform processes in Ukraine have significant implications for regional expansion in Indonesia. Theoretical implications highlight that despite shared objectives across countries, such reforms often succumb to the political and economic interests of elites and local authorities, leading to deviations from ideal plans. Practically, regional expansion in Indonesia may exacerbate inter-regional conflicts, population decline, reduced local revenues, and increased burdens on supporting regions. Ferrazzi stresses that administrative reforms should prioritize enhancing local governance effectiveness and community participation in decision-making, emphasizing the need for a careful and transparent approach to minimize negative impacts and maximize benefits for communities and local governments.

However, the practice that occurs in Indonesia does occur, such as some of the problems raised by some scholars, therefore a grand design is needed on how ideal regional expansion in Indonesia. From Ferrazzi's view, it is clear that philosophically the purpose of regional expansion is to organize the region which can be interpreted as having a positive impact on regional development in terms of improving people's welfare, developing local democracy, maximizing community access to government, bringing the government closer to its people. This means providing the best and most efficient public services possible, and so on. What Ferrazzi suggests above is not the case in practice in Indonesia. The rise of regional expansion, on the one hand, is to be thanked for providing a space for inspiration, diversity and local autonomy, something that was ignored by the New Order. But on the other hand, the phenomenon of massive regional expansion is also quite worrying considering that many expansion proposals are colored by the personal

³⁹ Gabriele Gabe Ferrazzi., *Decentralization, Local Governance, and Localizing the Sustainable Development Goals in Indonesia in Decentralization, Local Governance, and Localizing the Sustainable Development Goals in Asia and the Pacific*, London, Routledge, 2022, page,211.

⁴⁰ Zinoviij Siryk, Nazariy Popadynets, Mykhaylo Pityulych, Olha Chakii, Inna Irtyshcheva, Olena Panukhnyk, Vasyl Hyk, Yana Fedotova, Yuliia Rohozian, and Nataliia Lysyak., Decentralization of local self-government under the conditions of administrative-territorial reform in Ukraine, *Accounting*, Vol.7, no.4, 2021, page.786.

interests of local elites who support them, often even forming political parties.⁴¹ Ferrazzi's view that the purpose of regional expansion is to have a positive impact on regional development in terms of improving people's welfare, developing local democracy, maximizing people's access to government, bringing government closer to its people, providing the best and most efficient public services possible, and so on, can be analyzed using several theoretical perspectives.

In the Institutional perspective, Ferrazzi views regional expansion as part of territorial reform aimed at improving the quality of governance and strengthening local democracy. However, the implementation of regional expansion in Indonesia has not fully taken into account existing institutional conditions, such as legal quality, administrative capacity, and public trust in government institutions. In the Public Choice perspective, Ferrazzi mentions that regional expansion is often triggered by the vested interests of local elites or certain political parties, which can threaten the actual goals of regional development. This shows that political interests can influence regional expansion decision-making.

In the agency perspective, regional expansion can be seen as a form of developing new government agents at the local level, which is expected to strengthen community participation and increase local government accountability in public decision-making. However, inappropriate implementation of regional expansion can weaken local government accountability and increase corruption.⁴² From the analysis of the theoretical perspectives above, it can be concluded that the objectives of regional expansion are in line with the larger objectives of territorial reform to strengthen democratic and participatory governance. However, the implementation of regional expansion in Indonesia still requires improvement and a better grand design in order to effectively achieve these goals.

The hijacking or manipulation of regional expansion by local elites has led to many conflicts and problems at the local level, both in the expansion areas and in the parent regions. In addition, it is also feared that the number of regional divisions may increase the ethnonationalism⁴³ of local communities and conversely reduce the spirit of togetherness as an Indonesian nation. The phenomenon of the emergence of regional expansion problems in Indonesia can actually be juridically examined through the mechanism and process of forming autonomous regions in Indonesia, which based on the provisions in Government Regulation No. 78 of 2007.

Table 4. Requirements for Regional Expansion based on PP No. 78 of 2007

No	Categories	Description	Legal Basis	Information
1	The age of the main district	Minimum Age for Regency Government Administration is 7 (seven) years and 10	Article 3 PP No. 78 of 2007.	

⁴¹ Emanuele Massetti and Arjan H. Schakel., Between autonomy and secession: Decentralization and regionalist party ideological radicalism, *Party politics*, Vol.22, no.1, 2016, page. 61.

⁴² V. E. L. Jacqueline., Yando Zakaria, and Adriaan Bedner., Law-making as a strategy for change: Indonesia's new Village Law, *Asian Journal of Law and Society*, Vol.4, no.2, 2017, page.461.

⁴³ Jean-Claude Thoenig., Territorial administration and political control: Decentralization in France, *Public administration*, Vol.83, no.3, 2005, page.685-708.

(ten) years for Provinces.				
2.	Number of Districts and cities	<ul style="list-style-type: none"> • At least 5 (five) sub-districts in Regency • At least 4 (four) sub-districts in city • At least 5 (five) regencies/cities 	Article 3 PP No. 78 of 2007.	
3.	Administrative requirements	<ul style="list-style-type: none"> • There is approval from the DPRD of Regency • There is approval from the Regent • There is approval from the DPRD of Province • Governor's approval • There is a ministerial recommendation 	Article 3 PP No. 78 of 2007	Political dimension
4.	Decision Requirements of District/City DPRD	<ul style="list-style-type: none"> • BPD decisions for villages • Village Communication Forum <p>The amount of support is at least 2/3 of the total BPD or Village Communication Forum</p>	Articles 14 and 15 of PP No. 78 of 2007	
5.	Technical requirements	<p>Compiled in the form of a study result document which includes:</p> <ul style="list-style-type: none"> • Economic capability • Regional potential • Socio-cultural • Socio-political • Population • Area • Security defense • Financial capability • The level of people's welfare • Span of control of government administration 	Article 6 PP No. 78 of 2007	The total value of all indicators must be in the very capable or capable category

Based on Gabrielle Ferrazzi's views explained earlier, regional expansion should be carried out with the aim of organizing the region and having a positive impact on regional development, such as improving people's welfare, developing local democracy, increasing community access to government, better and more efficient public services, and so on. In this case, Table 4, which is a requirement for regional expansion based on Government Regulation No. 78/2007, can be the basis for regulating regional expansion in an orderly and measurable manner. However, there are still several things that need to be considered so that regional expansion

can have the expected positive impact.⁴⁴

Firstly, in terms of administrative requirements, it should be noted that the approval from the Regency DPRD, Regent, Provincial DPRD, Governor, and recommendation from the Minister are only political requirements. Thus, a strong and independent mechanism is needed to ensure that expansion decisions are based on objective considerations and can provide maximum benefits to local communities. Second, in terms of technical requirements, it should be noted that in addition to the criteria mentioned in the table 4, regional expansion also needs to consider factors such as environmental sustainability, economic sustainability, and social consolidation.⁴⁵ In addition, strict supervision of the implementation of post-expansion regional development plans is also required. In order to achieve the optimal objectives of regional expansion, there needs to be careful and coordinated planning between the central and local governments, as well as active participation from the community in the decision-making process.

The concept of changing the paradigm of top-down regional expansion initiated by the central government has been a topic of discussion and study among experts. Some scholars support this concept on the grounds that bottom-up regional expansion tends to be more vulnerable to conflict and local political interests, so there needs to be strict control and supervision from the central government to minimize these risks. For example, Zulhidayat states that regional expansion that originates from the community can lead to development imbalances between regions, horizontal conflicts, and politicization of expansion.⁴⁶ Therefore, there is a need for regional expansion policies conducted by the central government by considering scientific studies and a multi-disciplinary approach.

Regional expansion policies should be top-down with the initiative of the central government, because the central government has wider access to resources and information, and has the authority to supervise the implementation of regional expansion policies. Regional expansion policies should consider technical aspects and comprehensive scientific studies, and involve the active participation of local communities and related stakeholders. The role of the central government as a facilitator and supervisor in the regional expansion process is very important. The paradigm shift to top-down regional expansion initiated by the central government has been a topic of discussion and study among experts.⁴⁷ This concept has received support from experts because it is considered capable of minimizing the risk of conflict and local political interests, and can accelerate people's welfare in accordance with the nature of regional expansion as a regional structuring effort.

Based on the conditions described above, it is necessary to change the paradigm

⁴⁴ Aris Yulia, Fatma Ayu Jati Putri, and Erna Wati., Land Use Policies and Tenure in Economic Liberalization Regime: Land Law in Agro-Industrial Context, *Lex Publica*, Vol.10, no.1, 2023, page.21.

⁴⁵ Yansui Liu and Yang Zhou., Territory spatial planning and national governance system in China, *Land Use Policy*, Vol.102, no.4, 2021, page.105288.

⁴⁶ Muhammad Zulhidayat., Constitutional Comparison Between Indonesia and Switzerland Constitutions Regarding the Mechanism of Constitutional Amendment, *Activa Yuris: Jurnal Hukum*, Vol.1, no.2, 2021, page. 7.

⁴⁷ Nita Nurlawati., Analisis Penataan Daerah Berdasarkan Perspektif Keuangan Negara: Design Besar Penataan Daerah (Desartada) Tahun 2010-2015, *Jurnal Ilmu Administrasi: Media Pengembangan Ilmu dan Praktek Administrasi*, Vol.11, no.3, 2014, page.446.

of regional expansion from bottom-up to top-down with the concept that the initiation of the formation of new autonomous regions lies with the central government, because based on the concept of decentralization in a unitary state, the original power lies with the central government as previously stated at the beginning of this study. The central government makes the grand design of regional expansion, through the study of scientists with a multi-disciplinary approach, so that regional expansion is not placed in the context of political authority but scientific authority which in turn minimizes conflict and accelerates people's welfare in accordance with the nature of regional expansion as proposed by Gabriel Ferrazzi as an effort to organize the region (territorial reform).

4. Conclusion

Regional expansion in Indonesia brings about significant negative consequences such as inter-regional conflicts, population decline, reduced local revenues, and increased burdens on major regions. Addressing these issues requires meticulous planning and effective coordination between the central government and local authorities, alongside active community involvement in decision-making processes. Currently, there is a critical discourse among experts advocating for a paradigm shift from the traditional bottom-up approach to a top-down approach in regional expansion. The central government advocates initiating the establishment of new autonomous regions based on comprehensive multidisciplinary studies to mitigate conflict risks and minimize the influence of local political interests often associated with bottom-up approaches. By embracing a top-down approach, the aim is for regional expansion not merely to serve political ends, but to be a structured effort aimed at organizing regions, enhancing community welfare, bolstering local democracy, and improving public service efficiency. Further research is needed to underscore the urgency of this paradigm shift and ensure that regional expansion yields sustainable positive impacts on regional development.

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