

ASYMMETRIC DECENTRALIZATION WITH SELECTIVE BROAD AUTONOMY IN THE STATE ADMINISTRATION SYSTEM

Muhammad Fauzan^{*}, Riris Ardhanariswai^{**}

^{*} Corresponding author, Faculty of Law, Jenderal Soedirman University, Purwokerto, Indonesia

Contact details: Faculty of Law, Jenderal Soedirman University, Prof. Dr. H.R. Boenyamin Street No. 708, Purwokerto 53122, Indonesia

^{**} Faculty of Law, Jenderal Soedirman University, Purwokerto, Indonesia



Abstract

How to cite this paper: Fauzan, M., & Ardhanariswai, R. (2023). Asymmetric decentralization with selective broad autonomy in the state administration system. *Corporate Law & Governance Review*, 5(2), 8–18. <https://doi.org/10.22495/clgrv5i2p1>

Copyright © 2023 by Authors

This work is licensed under a Creative Commons Attribution 4.0 International License (CC BY 4.0). <https://creativecommons.org/licenses/by/4.0>

ISSN Online: 2664-1542

ISSN Print: 2707-1111

Received: 04.07.2022

Accepted: 14.07.2023

JEL Classification: H77, K39, K49, N40

DOI: 10.22495/clgrv5i2p1

Asymmetric decentralization is the opening of space for the implementation and creativity of the province in the implementation of regional government outside the general and special provisions. The purpose of this paper is to analyze the concept of asymmetric decadency with selective broad autonomy to make it easier to grant autonomy to the regions. The term decentralization is the administration of government in which functions, duties, and authorities are delegated to the widest possible extent to the regions. (Sarundajang, 2011). The methodology employed in this research was a normative study with doctrinaire research or called library research or document study (Waluyo, 2008). The main findings of the paper, the differences in the character and culture of each region make the administration of government in the regions not monopolized by the central government, which is feared will homogenize the pattern of government in all regions. The concept of asymmetric decentralization with the principle of broad and selective autonomy is the right choice for the administration of regional government in the future. The conclusion that the concept of asymmetric decentralization with broad selective autonomy is one alternative to facilitate the realization of the goal of granting autonomy to the regions.

Keywords: Decentralization, Asymmetric, Broad Autonomy, Selective

Authors' individual contribution: Conceptualization — M.F.; Methodology — M.F.; Validation — M.F.; Formal Analysis — M.F.; Investigation — M.F.; Resources — M.F. and R.A.; Data Curation — M.F. and R.A.; Writing — Original Draft — M.F. and R.A.; Writing — Review & Editing — M.F. and R.A.; Supervision — R.A.; Project Administration — M.F.

Declaration of conflicting interests: The Authors declare that there is no conflict of interest.

Acknowledgements: The Authors gratefully acknowledge Universitas Muhammadiyah Yogyakarta and Universitas Islam Riau for all their support and resources.

1. INTRODUCTION

The 1945 Constitution of the Republic of Indonesia has outlined the concept of regional autonomy in Indonesia. In Article 18 paragraph (2) and paragraph (5) of the 1945 Constitution of the Republic of Indonesia,

it is determined that the provincial, regency, and city governments shall regulate and manage government affairs by themselves according to the principles of autonomy and assistance duties. Regional governments exercise the broadest possible autonomy, except for governmental affairs which are

determined by law to be the affairs of the central government. In general, regional autonomy as a manifestation of the decentralization of power is interpreted as the authority to regulate and manage regional households, which is inherent in both the unitary state and the union state. In a unitary state, regional autonomy is more limited than regional autonomy in a union state. The authority to regulate and manage regional households in a unitary state includes all governmental authorities, except for a few affairs held by the central government. In a unitary state system, like the Unitary State of the Republic of Indonesia, it is found that there are two ways to connect the central and regional governments. The first method is called centralization, in which all affairs, functions, duties, and authorities of administering government are with the central government whose implementation is carried out in a deconcentrated manner. The second method is known as decentralization, in which the functions, duties, and authorities for the implementation of government are delegated as broadly as possible to the regions (Sarundajang, 2011).

Delegation through deconcentration is the delegation of authority to the apparatus (vertical apparatus) which is under its hierarchy in the regions, whereas handover in the context of decentralization is the delegation of functions to autonomous regions. Three factors form the basis for the division of functions, matters of duties, and authorities between the central and regional governments, namely, first, functions that are national and are related to the existence of the state as a political unit are left to the central government. Second, functions related to community services that need to be provided uniformly or standard for all regions. This service function is more suitable to be managed by the central government considering that it is more economical if operated on a large Fscale (economic of scale). The three service functions are local, this function involves the wider community and does not require a standard (uniform) level of service. Such functions can be managed by local governments. Local governments can adapt services to the needs and capabilities of their respective regions (Kristiadi, 1992).

The division of affairs, duties, and functions along with responsibilities between government units, both between the central government and regional governments, as well as between one regional government and another shows that all government affairs cannot be managed by one government unit alone. From the perspective of unity, it can be said that not all government affairs can be carried out by the central government alone.

If some or all of the rights to the regions have not been accommodated, of course, it is necessary for regions that have specificities or privileges to be given separate regulations based on the 1945 Constitution of the Republic of Indonesia. These regulations can later regulate the law of financial relations, respect for these regions, and state recognition of traditional regional rights that exist and grow within the community in certain areas in Indonesia (Nurfuqon, 2020).

This recognition provides an opportunity for lower government units, both provincial and district/city, to try to regulate and manage and carry out their own government, thus the regulation of

central and regional relations, especially in this case is the relationship in the field of authority is an issue that requires regulation that is good, comprehensive, and responsive to demands for regional independence and development.

History also notes that the relationship between the central government and the regions, whether related to the relationship in the financial sector, authority, and supervision as well as the relationship regarding government organizations, is strongly influenced by the tug-of-war between central interests which tend to be centralized and regional demands that want decentralization. This condition can result in mismatched relations between the central and regional governments.

According to Manan (1994, as cited in Fauzan, 2010), the difficulty in creating a harmonious relationship between the central and regional governments is not only due to different interests between the central and regional governments but can also occur because of:

1) The central environment (national) includes all areas of the country (state territorial). On the other hand, the territory of the country is divided into regions of lower government.

2) The division of powers, duties, and responsibilities between the central and the regions is usually regulated by various legal principles, especially statutory regulations.

3) The implementation of the conception of the welfare state brings changes to the scope of the content of government authorities, duties, and responsibilities, both quantitatively and qualitatively.

Regulations regarding the relationship between government units obtain a relatively clear picture after Article 18A of the 1945 Constitution was amended. Based on the results of the second amendment of 2000, the relationship between the central and regional governments is only formulated in a broad outline, so there is no clarity on how the relationship between the central and regional governments is carried out, however, at least it can be said that the amendment to Article 18 of the 1945 Constitution is one of the normative efforts of the Indonesian nation to provide an overview and find patterns of relations between the central and regions. Article 18A of the 1945 Constitution provides:

1) The relationship of authority between the central government and provincial, regency and municipal governments, or between provinces and regencies and cities, is regulated by law with due observance of the specificity and diversity of the regions.

2) The relationship between the central government and regional governments in finance, public services, and utilization of other natural resources is regulated and implemented in a fair and balanced manner based on law.

Based on the aforementioned provisions, it can be said that in broad terms, the relationship between the central and regional governments, both concerning the relationship of authority and financial relations in its implementation, must be carried out fairly, in harmony, and taking into account the specificities and diversity of regions and must be regulated by law. Meanwhile, the phrase "by paying attention to the specificity and diversity of the regions" in Article 18A paragraph (1) of the 1945

Constitution of the Republic of Indonesia indicates that the constitution calls for different arrangements for each region which has special and varied features. This is further strengthened by the existence of Article 18B of the 1945 Constitution of the Republic of Indonesia which states that:

1) The State recognizes and respects regional government units that are special or special as regulated by law.

2) The State recognizes and respects customary law community units and their traditional rights as long as they are still alive and in accordance with community development and the principles of the Unitary State of the Republic of Indonesia, which are regulated by law.

Thus, the legal policy on decentralization outlined by the 1945 Constitution of the Republic of Indonesia implies the necessity of implementing "asymmetric decentralization" which emphasizes the specificities, privileges, regional diversity, as well as customary law community units and traditional rights which are further regulated by the Constitution.

Asymmetrical decentralization (*desentralisasi asimetris*) is the imposition/transfer of special powers that are only given to certain regions in a country, which are considered as an alternative to solve the problems of the relationship between the central government and local governments, in the context of Indonesia in order to maintain the existence of regions within the Republic of Indonesia. In the context of regional government law, asymmetric decentralization is a contra-concept of symmetrical decentralization that applies in 29 provinces in Indonesia. The concept of symmetrical decentralization (uniform decentralization) emphasizes the transfer of authority which is the authority of regional governments to all regions in the country in a uniformistic manner. In terms of constitutional practice, the Republic of Indonesia is currently implementing these two concepts simultaneously. The application of asymmetric decentralization should not only be given to ordinary delegations of authority in the form of special authority transfers which are only given to certain regions. Empirically, the asymmetric decentralization policy is part of a comprehensive strategy from the central government to attract sympathy and re-embrace the separatist regions that broke away from the Unitary State of the Republic of Indonesia. This policy tries various choices and local identities in a distinctive local system but remains within the corridors of the Unitary State of the Republic of Indonesia (Wibawa, 2019).

Asymmetric decentralization includes political, economic, fiscal, and administrative decentralization, but not necessarily uniform for all regions of the country, taking into account the specificities of each region. The implementation of the asymmetric decentralization policy is a manifestation of the privilege enforcement effort. This policy pattern was implemented partially since there were only five Indonesia regions that applied an asymmetric decentralization policy pattern, those are the Special Capital Region of Jakarta, the Special Region of Yogyakarta, the Special Region of Aceh, Papua, and West Papua (Amin & Isharyanto, 2022). The special autonomy policies that are currently being implemented are special autonomy for Papua based

on Law Number 21 of 2001, Special Autonomy for Aceh based on Law Number 18 of 2001, Special Capital Region of Jakarta based on Law Number 29 of 2007, and the privileges of the Special Region of Yogyakarta although until now the privileges are still being discussed again in the Bill (Fatmawati, 2018). These five provinces have legally obtained formal recognition from the state. The essence of asymmetric decentralization is the opening of space for the implementation and creativity of the province in the implementation of regional government outside the general and special provisions stipulated in Law Number 23 of 2014 concerning Regional Government, or other statutory regulations.

The implementation of the autonomy policy in the course of Indonesia's constitutional history has several problems or problems. Therefore, the authors are interested in studying further matters relating to the concept of asymmetric decentralization with selective broad autonomy as a form of decentralization as a basis for working relations between the central government and local governments that can be used in the future. Based on this, our research aims to answer the following question:

RQ: What is the urgency of implementing asymmetric decentralization in future state administration?

We divided this study into six parts. The rest of the study is structured as follows. Section 2 contains the references we used to build the research framework and establish hypotheses. Section 3 is the research method, covering the types, sources, and nature of the research. Section 4 is the result and the discussion is in Section 5. Finally, Section 6 is the conclusion of all sections of this paper, including limitations and suggestions. In addition, we recommend several perspectives for future research.

2. LITERATURE REVIEW

The practice of decentralization that differs from one region to another is a practice of governance that is quite common in the experience of political arrangements in many countries. This pattern of relations is common in unitary states. Decentralization itself has been going on in Indonesia for a long time. It aims for administrative arrangements in terms of maximizing the potential of each region.

Rondinelli and Cheema (1983, as cited in Nurfuqon, 2020) define regional autonomy as the transfer of authority or distribution of power in government planning and management and decision-making from the national level to the regional level.

Van Houten (as cited in Nurfuqon, 2020) defines special autonomy as the legal authority given by the government to ethnically special areas or special community groups that do not have sovereignty, or, make basic public decisions and implement public policies freely outside the source of state authority, but are still subject to under the laws of the country as a whole.

Authority, according to Pantow et al. (2019), authority is one of the main principles that is used as the basis in every administration of government and state in every legal country in carrying out its

authority must be based on applicable laws or legal regulations (legality principle) in other words every government and state administration must have legitimacy, namely the authority granted by law, conceptually the term authority or authority is often equated with the term "*bovoegdheid*" which means "authority" or "power".

Agussalim A.G. (Pantow et al., 2019) defines authority as the right to carry out one or more management functions which include regulation (regulation and standardization), management (administration), and supervision (supervision) or a certain matter.

The definition of authority is regulated in Article 1 points 5 and 6 of Law Number 30 of 2014 concerning Government Administration. It is stated that authority is the right owned by the Agency and/or Government Officials or other state administrators to take decisions and/or actions in the administration of government. Meanwhile, government authority hereinafter referred to as authority, is the power of Government Agencies and/or Officials or other state administrators to act in the realm of public law. In carrying out their authority, the authorized agency/official is not allowed to act beyond their authority (*ultra vires*). Because every use of authority is always limited by matter (material), space (locus), and time (tempus). Outside these limits, an act of government is an act without authority (*onbevoegdheid*).

The authority obtained and the laws and regulations are formal legalities, so it is said that the substance and principle of legality is authority, namely the authority obtained from laws and regulations. This is in accordance with the principle of the rule of law which places the law as a source of authority. Therefore, talking about the basics of authority is related and cannot be separated from the principle of legality. The principle of legality (*legalitietbeginsele*) is one of the main principles that is used as the basis for the administration of government and the state, especially in a state of law. This principle of legality in state administrative law implies that the government is subject to the law, and all provisions that bind citizens must be based on the law. Therefore, the principle of legality is the basis of government authority (Sharon, 2021).

Based on the literature review and previous research above, we develop the following hypothesis:

H1: Asymmetric decentralization can be applied to each region in Indonesia, according to the characteristics of the region.

3. RESEARCH METHODOLOGY

The methodology employed in this research was a normative study with doctrinaire research or it is also called library research or document study. It is called so because this research is conducted more on secondary data existing in the library (Waluyo, 2008). This research also pays attention to the law with perspective analysis using the point of view of legislation (Perdana et al., 2020). In accordance with the problems studied, a statute approach will be used. The statute approach will examine the hierarchy of laws and regulations and legal principles (Marzuki, 2014).

Secondary data contains the 1945 Constitution of the Republic of Indonesia, Local Government Law

Number 23 of 2014, and Law Number 12 of 2011, including public data in the form of scientific articles or research journals, news related to local regulation drafting, books, and dictionaries.

This research was also descriptive, in which the procedure and the problem-solving are conducted by describing the condition of the subject or object studied (Ediwarman, 2016). In essence, ideal autonomy should be able to encourage regions not only to be able to plan government activity programs and their implementation but also to be able to finance the implementation of programs and activities that have been determined. The concept of asymmetric decentralization with selective broad autonomy is one of the alternatives to facilitate realizing the goal of granting autonomy to regions. Selective broad autonomy means that asymmetrical decentralization is the enforcement/transfer of special powers that are only granted to certain areas within the territory of the Unitary State of the Republic of Indonesia.

4. RESULTS

Regional autonomy and decentralization are a necessity in a modern country because they can be used as indicators that a country is carrying out a process of democratization. This is because, in principle, the ultimate goal of democratization is the welfare of the people, and regional autonomy and decentralization are quite popular ways to accelerate the welfare of the people.

After nearly 70 years of independence for Indonesia and during that time regional autonomy was enforced. It is even longer if calculated since the enactment of the *Decentralisatie Wet* in 1903. The intended welfare does not appear to have reached the entire community to its full potential. This happened because it turned out that decentralization which peaked in 1999 was only interpreted as the transfer of authority from the central government to the regions without looking at the context of a region comprehensively. So that many regions actually seem to be struggling to develop their regions after receiving the delegation of authority which ultimately makes many regions in the autonomy era live and die depending on the generosity of the central government over the amount of budget allocation given to the regions. So not a few people are pessimistic about the implementation of regional autonomy, especially asymmetric decentralization in efforts to improve community welfare.

As a country with an area of 5,180,053 km (Sereliciouz, 2020), a total of 514 regencies and cities in the territory of the Republic of Indonesia consisting of 416 regencies and 98 cities (Sutrisni, 2020), Indonesia needs to implement decentralization after a centralized regime, which has proven that for 32 years it has been unable to manage the country's wealth incorrectly and not well enough. Everyone knows that our natural wealth is so abundant in almost all sectors ranging from agriculture, forestry, water, marine, and mining.

Apart from the natural wealth above that has kept us colonized for a long time. Our social and cultural wealth also cannot be ignored as a great nation. Based on the 2010 Population Census, there were 1,331 ethnic groups in Indonesia. According to

the Language Agency, there are 652 languages in different regions (Azanella et al., 2019). All of them are practically evenly distributed throughout the areas that inhabit this archipelago.

Plurality and multiculturalism are a gift to this nation. This difference and rich diversity are a potential, even a factor for national unity if managed properly. The nation's founders were well aware of this so the state motto "*Bhinneka Tunggal Ika*" ("Unity in Diversity") was born. On this basis, the administration of regional government also needs to pay attention to the wealth and differences that are characteristic of a region. Regional autonomy and decentralization in Indonesia must be carried out with an Indonesian model (Lay, 2001). Because such implementation has also been outlined by the constitution through Article 18 of the 1945 Constitution of the Republic of Indonesia.

Regional autonomy and decentralization are not new in Indonesia, although they have only recently become popular and peaked in this post-reformation era. Regional autonomy and decentralization that regulate the pattern of relations between the central government and the regions have indeed experienced serious dynamics. This is because this relationship is a serious struggle that has drained enormous social, economic, political, and cultural energy in the history of the republic (Lay, 2001).

Based on agency theory, the relationship between the central government and the delegation of authority to regional governments in managing and managing their own activities in the regional government in order to provide services to the community (Din et al., 2022).

The Dutch colonial government was also aware of the differences and plurality of the people of the archipelago at that time. Although the management of this difference remains intending to maintain its position in the archipelago. But the awareness of the need to differentiate governmental arrangements at the local level was realized and demonstrated through the publication of *Decentralisatie Wet* in 1903.

All sets of laws and regulations governing regional government agree to implement the principles of regional autonomy and decentralization, although to varying degrees. Even though our country's constitution is not the 1945 Constitution — the 1949 United States Constitution and the 1950 Temporary Constitution — also outline the implementation of autonomy and decentralization at the regional government level (Kurniadi, 2012). Regional autonomy and decentralization have long been pursued by Indonesia. Although the ultimate goal coincides with the goal of democracy itself, namely the welfare of the people. However, other reasons cannot be ignored why regional autonomy and decentralization were chosen in the model of regional governance and their relationship with the center.

For example, the reasons we hear most often are that local governments know and understand the most the problems and solutions in their regions. Services to the public that are more efficient and effective are another reason (Santoso, 2010). Even to the point that it is very culturalist that the differences in character and culture of each region make the administration of government in

the regions not allowed to be monopolized by the central government, which is feared to homogenize the pattern of government in all regions.

5. DISCUSSION

5.1. Asymmetric decentralization

First, the reasons for the conflict and demands for separatism. It is undeniable that two regions (three provinces) namely Aceh Province, Papua Province, and West Papua Province received special treatment in the form of special autonomy due to the conflict between the two regions and the national government, partly because of a struggle for resources. If summarized, the autonomy for Aceh and Papua principally consists of: first, the Special Autonomy fund as compensation for the three provinces that can still join the Republic of Indonesia. Second, recognition of local identities embodied in political institutions. In Aceh, this process was marked by the existence of a new institution that represented tradition and religion. In Papua, authority is given to tradition and the church. Third, recognition of local symbols such as flags, language, and so on. Fourth, local political parties. Aceh takes advantage of the momentum of local parties by growing local parties and winning elections, while in Papua there is no room for this. Fifth, there is affirmative action to become a local leader. In Aceh, by being able to read the Al Qur'an, in Papua the leader must be a native Papuan who was endorsed by the Papuan People's Assembly. Sixth and perhaps most importantly, resource-related arrangements. Apart from the huge amount of special autonomy funds, the management of regional resources is a specific issue. Aceh has several specifics related to resource management, such as land, forests, and oil exploitation.

Second, the reason for the country's capital. This special treatment is only given to the Special Capital Region of Jakarta Province. Given that the Special Capital Region of Jakarta is an area covered by the best infrastructure in the country, special treatment is manifested in the absence of post-conflict local elections for the regent/mayor and no regency/city Regional People's Representative Assembly or *Dewan Perwakilan Rakyat Daerah* (DPRD) appointed by the governor. As a consequence, the governor's post-conflict local election uses a conditional majority system in which the determined winner gets more than 50% of the votes. In other regions, except Yogyakarta, it was sufficient to get a simple majority.

Third, historical and cultural reasons. The Special Region of Yogyakarta (SRY) has received special treatment considering its history during the revolutionary era and the struggle for independence. This treatment can be seen from the determination of the governor and deputy governor in SRY by the Regional House of Representatives. The governor of SRY is the Sultan who reigns and the deputy governor of Yogyakarta is Pakualam who reigns. The determination of the Sultan and Pakualam was left to the respective palace/pakualam institutions. These two leaders are not allowed to join political parties. At the district/city level, it remains the same as other regions.

Fourth, border reasons. The border regions need to receive special treatment considering their role as territorial boundaries with neighboring countries. The border area plays an important function because of the complexity of the problems at hand. The border area must be treated as the front yard and not the backyard of the Republic of Indonesia. The treatment of border areas, for example, in North Kalimantan should be different, by requiring the governor to be from the military because of the high potential for border crossers in addition to strengthening education and health infrastructure and services. The details of border asymmetrism still need further study.

Fifth, the center of economic development. Regions that geographically have the opportunity to become special economic regions should be developed so that they have high economic competitiveness. Areas like Batam can be developed and formed to compete with Singapore. The allocation of specificity, for example, concerns import duties and the development of economic development infrastructure such as ports and port systems. Currently, the largest port in Indonesia, Tanjung Priok in Jakarta is more for meeting domestic needs due to its geographic position. If Batam is developed with a modern port with a good system, it is possible to be able to take advantage of the potential of a Singapore port which has limited space. The details regarding the asymmetry of economic development still need further study.

Based on a search for primary legal materials, at least, positive law inventory/related laws and regulations regulate the following asymmetric decentralization (Kurniadi, 2012):

- Article 18 paragraph (1), Article 18A paragraph (1), and Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia.
- Statutes of the People's Consultative Assembly of the Republic of Indonesia Number XV/MPR/1998 of 1998 concerning the Implementation of Regional Autonomy, Regulation, Distribution, and Equitable Utilization of National Resources, as well as Central and Regional Financial Balance within the Framework of the Unitary State of the Republic of Indonesia.
- Statutes of the People's Consultative Assembly of the Republic of Indonesia Number V/MPR/2000 concerning the Consolidation of National Unity and Unity.
- Law Number 2 of 2001 regarding Special Autonomy for Papua Province.
- Law Number 35 of 2008 concerning Stipulation of Government Regulations in lieu of Number 1 of 2008 concerning Amendments to Law Number 21 of 2001 concerning Special Autonomy for Papua Province into Law.
- Law Number 11 of 2006 concerning Aceh Governance.
- Law Number 29 of 2007 concerning the Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia.
- Law Number 13 of 2012 concerning the Privileges of the Special Region of Yogyakarta.
- Law Number 23 of 2014 concerning Regional Government.

Conceptually, asymmetric decentralization is not new. Asymmetric decentralization has been

implemented in both federal and unitarian countries although it was not originally intended to be as specific as in Indonesia. If asymmetric decentralization is interpreted as a wider space for the provinces outside Aceh and Papua, this concept should be considered as a theoretical basis for the implementation of autonomy outside of special autonomy and regional autonomy.

The essence of asymmetric decentralization is the opening of space for provincial implementation and creativity in the implementation of government outside of general and specific provisions. Asymmetric decentralization is implemented in the province because the district and city levels are sufficiently accommodated in government legislation so far. In this case, asymmetric decentralization can break the deadlock in formal mechanisms. For example, Yogyakarta Province does not need to change its gubernatorial election system because the system was already running before the country was born. SRY can carry out regional elections with its local system. Likewise, Special Capital Region Jakarta can exercise limited privilege as a capital city for social and economic development issues in order to compete with colleagues, such as Singapore or Kuala Lumpur.

In the case of Indonesia, the focus of regional autonomy which is placed on districts and cities is appropriate. Special autonomy at the provincial level for Aceh and Papua also makes sense. However, we still see weaknesses when faced with a variety of other provincial government situations. There is a reason why asymmetric decentralization was enforced at the provincial level, that is, in its new position in legislation, it is the spearhead, the representative of the government in the regions, as well as an autonomous region.

The main foundation and value of asymmetric decentralization is democracy as well as strengthening the homeland. With this asymmetrical position for certain sectors, the desire to change the provincial political position from the beginning as a threat of disintegration towards limited freedom to develop oneself as guaranteed in Article 18 of the 1945 Constitution can be increased. From observations in the field, it can be seen that so far the areas struggling with the issue of "being separated from the Republic of Indonesia" are not at the district or city level, but at the provincial level. By increasing the appropriate flexibility at the provincial level, it is hoped that it can become the heart of defense so that the regions do not invade beyond their right to change.

The first law issued by the Republic was Law Number 1 of 1945 on the Regional Indonesian National Committee (RINC). It has emphasized autonomy in regional governance. Likewise, the following laws and regulations starting from Law Number 22 of 1948, Law Number 32 of 1956, Law Number 1 of 1957, Government Regulation in lieu of Law Number 6 of 1959 and 5 of 1960, Law Number 18 of 1965, Law Number 5 of 1974, Law Number 22 of 1999 to Law Number 32 of 2004 concerning Local Government in the current reform era. This regional autonomy arrangement is needed because the constitution has mandated the need for an autonomous regional government in Article 18 of the 1945 Constitution.

By looking at the diversity possessed by Indonesia as well as the problems of regional autonomy and decentralization today. The authors believe that asymmetric decentralization remains the best way to accommodate diversity and address existing problems. Thus, this paper at least aims to describe more clearly the asymmetrical concept of asymmetric decentralization which is truly asymmetric.

Theoretically, asymmetric decentralization is relatively new in Indonesia than the development of regional autonomy and decentralization theories that only prioritize the transfer of authority from the center to the regions. Asymmetric decentralization does not only talk about the delegation of authority but also how authority, finance, supervision, and institutions are contextually decentralized.

One of the classic arguments regarding regional autonomy and decentralization is the statement put forward by Rondinelli and Cheema (1983). That decentralization is a process of delegating planning, decision-making, or administrative (government) authority to organizations in the field, local administrative units, semi-autonomous organizations, and local governments or non-governmental organizations. According to Said (2008), this meaning is from a political perspective and a policy-administrative perspective (Santoso, 2010).

Meanwhile, Pollitt et al. (1998) divide decentralization into four classifications, namely 1) political decentralization and administrative decentralization; 2) competitive decentralization and non-competitive decentralization; 3) internal decentralization and devolution; 4) vertical decentralization and horizontal decentralization. Furthermore, by Pollitt et al. (1998), decentralization is understood as an economic effort, namely minimizing the costs of existing resources and increasing results or performance (Djojosekarto et al., 2008).

As a result of the adoption of decentralization, in its implementation autonomous regions were formed, namely regions that were given the rights, authority, and obligations to regulate and manage their own households. This autonomous region then has a regional household system, which is an arrangement related to ways of dividing authority, duties, and responsibilities to regulate and manage government affairs between the center and the regions (Kaho, 2012).

Furthermore, Kaho (2012) divides four types of systems for handing over authority from central to local governments. First, the residual system, which is when the central government has generally determined which affairs are under the authority of the central government, and the rest becomes the affairs of regional households. Second, is the material system, where the duties of local governments are determined one by one in a limited and detailed manner (Kaho, 2012).

Third, the formal system is when the division of duties, powers, and responsibilities between the center and the regions to regulate or manage certain governmental affairs is not determined in detail or is not a priori stipulated in or by law. Fourth, the real and broadest possible autonomy system, namely when the transfer of functions, duties, and authorities to the regions is based on real and tangible factors in accordance with

the needs and capabilities of the regional government and the central government itself (contextual).

As previously stated, the implementation of asymmetric decentralization in Indonesia has been carried out long since the Dutch colonial government came to power. Although the application of asymmetrism is based more on economic considerations and focuses solely on managing Java. However, the colonial government had given special treatment to royal territories as well as to traditional institutions in the form of *zelfbesturende landschappen* which means "self-governing landscapes" (Kurniadi, 2012).

5.2. Urgency asymmetric decentralization

There are at least four things that can be the basis of asymmetry for an area. The four things are a political basis, social and cultural basis, geographical basis, and economic basis. The emergence of these four bases cannot be separated from the diversity that Indonesia has. And the four are considered sufficient to distinguish the asymmetry of an area from other regions (Pratikno et al., 2010).

1) *The political basis*: The political factor must be in line with the general principles of good governance. Good governance, in essence, is a collection of principles and standards for social administration that attempts to maximize public benefits while simultaneously fostering and assuring peaceful and long-term prosperity (Olley et al., 2022). This political factor cannot be separated from the historical background of the area, especially the history of the region's integration with the republican government. The experience of implementing asymmetric decentralization so far shows that political factors are often the main reason for the republican government to provide special policies. Although this is not much and is not often acknowledged by the central government. Aceh is one of the regions whose political aspects are more prominent than other aspects in the provision of special autonomy policies through Law Number 18 of 2001 and Law Number 11 of 2006. The conflict between Aceh and the central government that has been ongoing for both political and economic reasons is politics is the basis of asymmetry for Aceh. The Acehese resistance, which was reflected in the form of the Free Aceh Movement (FAM) with a strong aroma of separatism, made conflicts between the regions and the center intensify. Apart from Aceh, another region where political factors became dominant in granting special autonomy was Papua.

2) *The socio-cultural basis*: The diversity that Indonesia has, of course, cannot be separated from the diversity and richness of culture that is owned by this nation. The culture of the archipelago which has existed and existed in people's lives long before modern Indonesia was formed is the basis of regional asymmetry. Theoretically, organizational culture is a pattern of shared basic assumptions learned by groups in an organization as a tool to solve problems by adjusting external factors and integration of internal factors and has been proven valid and is therefore taught to new organizational members as a correct way to perceive, think, and

feel in relation to the problems at hand (Nugraha et al., 2022). However, that was not enough. The implementation of local governance in an area with all its uniqueness and wisdom is strong support for this socio-cultural basis. The preservation of local traditions and norms in people's lives has become an additional point for a region to be given an asymmetric policy. Moreover, as previously stated, the Dutch colonial government alone at that time made hundreds of around 250 agreements and contracts with regions or traditional institutions. There are at least two special forms of local government units (original) from a historical point of view, namely the government structure in the form of *Volksgemeenschappen* ("people's communities") such as Nagari, Lembang, Gampongarga, and so on. As well as a government in the form of *zelfbestuurende landschappen*, namely recognition of former royal areas such as Yogyakarta (Hanif & Pratikno, 2012). Yogyakarta is an area that is the most appropriate example of the implementation of this socio-cultural-based asymmetric decentralization. The preservation of Javanese (Mataram) traditions in community life in the midst of modernization and as a multicultural urban area. This is accompanied by the existence of local government institutions and instruments. Making this area at the forefront of maintaining the diversity of traditions and cultures of the archipelago. Thus, it has become a necessity if this region applies an asymmetric decentralization policy. Other areas that according to the author also deserve to be asymmetrical on this socio-cultural basis, namely West Sumatra, Bali, and East Nusa Tenggara. These three regions apart from Yogyakarta, are areas that are consistent and able to maintain their culture until now. The life of the people in this area is also heavily colored by local traditions and wisdom.

3) *The geographic base*: It is an archipelago that has thousands of islands and is united by the ocean. Indonesia has a very strategic geographical position in the international political and economic space. Thus, the geographical aspect cannot be ignored and special treatment is needed to manage it properly. For the geographic basis, two regions are suitable for asymmetry in administering the region, namely areas in the form of islands and border areas or frontier or outermost. These two regions are very important for Indonesia because they have quite high geo-strategic and geo-political values.

Archipelagic areas cannot be equated with non-archipelagic regions. The islands that are united by the sea in the area make it necessary to manage a typical archipelago area. This is to ensure that people on all islands have accessibility, feasibility, facilities, and the same level of welfare. Coupled with the utilization and management of marine resources, making archipelagic areas requires the use of archipelagic and marine (maritime) based government management.

Thus, if there is a discourse on archipelagic regions, it demands the implementation of an asymmetric regional government. This should be appreciated and responded to positively by the central government, not suspicious of their actions. The regions that are included in the asymmetrical decentralization are geographically based (islands), namely the Riau Islands, Bangka

Belitung Islands, West Nusa Tenggara, East Nusa Tenggara, Southeast Sulawesi, Maluku, and North Maluku. Meanwhile for geographic areas that are directly adjacent to neighboring countries or frontier and outermost areas. The border area has strategic political value, especially to demonstrate sovereignty to neighboring countries. We have often heard news and information about problems in border areas.

The classic problem, such as the shifting of markers or national borders, is one of the crucial problems that is still happening. The Sipadan and Ligitan cases are certainly a harsh blow that is embarrassing for Indonesia as a sovereign country. The problem is even more complicated when the economic conditions and welfare level of the border communities are much lower than their neighbors on the other side. It is not surprising that many of our citizens on the border, especially those bordering Malaysia prefer to use the ringgit currency instead of the rupiah, making economic transactions easier and closer to neighbors than with the country itself. As a result, not a few of our citizens have mortgaged their citizenship just because of economic problems. For this geographically-based (border) asymmetric decentralization, areas suitable for the author are West Kalimantan, East Kalimantan, North Kalimantan, North Sulawesi, and Papua. Especially for areas that are directly adjacent to Malaysia (east), the authors feel the need to be hastened.

4) *The economic base*: The annual report of the World Economic Forum reflects the results of the Global Competitiveness Index for all countries in the world. The competitiveness index makes it possible to identify existing gaps in sectors of the national economy and determine the direction of their development (Abdullayev, 2022). Several regions in Indonesia have a fairly high level of economic growth and several other areas are prospective to be developed into centers of growth and new economic development. In fact, the central government was aware of the need for special treatment in these areas. Of course, we are known as industrial estates, integrated economic development areas, port, and free trade areas, bonded stockpiles, and special economic zones all of which are areas defined by the central government through various regulatory provisions such as the Presidential Decree, Government's Regulation, Government's Regulation as lieu of Law (Pratikno et al., 2010).

5.3. Selective broad autonomy

The principle of selective broad autonomy in the concept of asymmetric decentralization in the future will certainly be an ideal option in the administration of regional government as a result of the following:

First, the Republic of Indonesia is a country that has a very high level of heterogeneity or diversity. Soaring diversity regarding religion, ethnicity, language, and race, if not managed properly, then the potential for "friction" between elements of society is colossal. The diversity of ethnic groups, of course, from one another, has different cultures and customs that are upheld by the community. Meanwhile, if seen from the diversity of the aspects of religion and belief, until now there are several religions recognized by

the state, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism which are spread throughout Indonesia. In the history of conflict in various national communities, it is often caused by the sharpness of the differences mentioned above.

Taking into account the foregoing, it can be said that the widest possible choice of autonomy policies must be accompanied by a variety of programs and activities that can be accepted by the various kinds of races differences mentioned above, however, it is necessary to have a correct understanding that the diverse roles of society participation in regional government administration will be colored by the wishes and aspirations of all community groups with various interests that accompany, and as it is known, every good policy made by regional governments, both in the form of activity programs and in the form of laws and regulations will be colored by the will of the majority in the community. The important thing to understand is that there is a necessity that must be carried out, namely respect and guarantee for groups who happen to be not in a position of society.

Second, the capabilities of each region are not the same, both in the field of human resources (HR) and the ability of natural resources (NR) which are often related to regional financial capabilities. In implementing the broadest possible autonomy policy, the factor of the ability of the region to occupy a very strategic position is related to the capacity in the regional financial sector, as well as the ability of its human resources.

In implementing regional autonomy policies, regions are not only given the freedom to regulate and manage government affairs which implies that they are independent in planning programs in accordance with the aspirations and needs of the local community, but also realizing the programs and plans made. In this context following Law Number 23 of 2014, regions have the discretion to make long-term development plans (LTDP), medium-term development plans (MTDP), and short-term development plans (STDP) which are strengthened in the form of Regional Regulations.

The ability in making development planning must also be followed by the ability to carry out planned programs, both in the LTDP and MTDP, this must also be followed by the ability to finance every implementation of the program of activities that have been planned. Taking into account the foregoing, the broadest possible ideal is autonomy in which the region, not only can plan and carry out any program of activities, but also must have the ability to finance every implementation of these activities. Thus, the ability of the regions to implement regional autonomy lies in the financial capacity of the regions to finance government administration, so that the regions do not rely on the central government to finance the implementation of government activities. Thus, regional original income (ROIN) must be the largest part of the financing of regional government administration.

Third, the limited ability of the central government to know the complexity of problems that exist in the regions, both those related to the demands and aspirations of the local community. One of the policy options for the decentralization of

government affairs from the central government to regional government administration units is the limitation of the central government to carry out all government affairs. This is indeed a logical consequence of choosing the form of a unitary state as mandated in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, that in a unitary state, essentially all government affairs are the central government or the national government. However, because the territory of the Unitary State of the Republic of Indonesia is very large with 34 provinces and around 514 city regencies scattered in an area stretching from Sabang to Merauke, it creates difficulties for the central government to find out all forms of aspirations and desires and the conditions of each region. Limited ability to determine the complexity of the problems at hand for each region is a potential that policies made by the centralized central government will not be implemented optimally, this can happen because the policies may not be in accordance with the aspirations, desires, and demands of the community. Therefore, the choice of the broadest possible autonomy policy must take into account the growing and developing conditions in the local community.

6. CONCLUSION

Based on the description above, it can be concluded that the concept of asymmetric decentralization with broad selective autonomy is an alternative to facilitate realizing the goal of granting autonomy to regions. Selective broad autonomy means that asymmetrical decentralization (*desentralisasi asimetris*) is the enforcement/transfer of special powers that are only granted to certain areas within the territory of the Unitary State of the Republic of Indonesia, based on the real needs, potentials, and root causes of problems and aspirations of the people in the Republic of Indonesia in each region. This is the right choice for the implementation of regional governance in the future because: first, the Republic of Indonesia is a country that has a very high level of heterogeneity or diversity. Second, the capabilities of each region are not the same, both in the field of human resources and the ability of natural resources which are often related to regional financial capabilities. Third, the limited ability of the central government to know the complexity of problems that exist in the regions, both those related to the demands and aspirations of the local community.

The results of this study have implications for strengthening the theory of regional autonomy and the theory of authority. The results of this study also have practical implications for the implementation of asymmetric decentralization that can be applied in all regions in Indonesia. In addition, with the authority of the regional government, it can implement asymmetric decentralization in accordance with the needs of the region.

This research has some limitations. First, this study focuses on examining the urgency of asymmetric decentralization with broad selective autonomy in the state administration system. Second, this study uses a normative approach, so it only analyzes the theoretical application of

the asymmetric decentralization concept. Therefore, further research is needed, especially empirical research, which finds the ideal format for asymmetric decentralization in the future. This is

important because the purpose of granting autonomy through a decentralized mechanism is to improve welfare, public services, and regional independence.

REFERENCES

1. Abdullayev, K. (2022). Factors influencing the ranking of maritime transport in the Global Competitiveness Report: The developing country case. *Corporate & Business Strategy Review*, 3(2), 43-54. <https://doi.org/10.22495/cbsrv3i2art4>
2. Amin, R. I., & Isharyanto. (2022). Asymmetrical sequential decentralization: Resetting the paradigm of regional autonomy. *Journal of Governance & Regulation*, 11(4), 24-32. <https://doi.org/10.22495/jgrv11i4art3>
3. Azanella, L. A., Tamtomo, A. B., & Velarosdela, R. N. (2019, March 30). Cek Fakta: Jokowi Sebut Ada 714 Suku dan 1001 Bahasa Indonesia. *Kompas*. <https://nasional.kompas.com/read/2019/03/30/21441421/cek-fakta-jokowi-sebut-ada-714-suku-dan-1001-bahasa-di-indonesia>
4. Constitution of Republic Indonesia of 1945. Asian Human Rights Commission. <http://www.humanrights.asia/indonesian-constitution-1945-consolidated/>
5. Din, M., Munawarah, M., Ghozali, I., Achmad, T., & Karim, F. (2022). Governance of financial management and regulation-based fiscal accountability. *Journal of Governance & Regulation*, 11(2), 116-123. <https://doi.org/10.22495/jgrv11i2art10>
6. Djojosekarto, A., Sumarwono, R., & Suryaman, C. (2008). *Kebijakan otonomi khusus khusus di Indonesia: Pembelajaran dari Kasus Aceh, Papua, Jakarta dan Yogyakarta*. Kemitraan.
7. Ediwarman. (2016). *Metodelogi penelitian hukum, panduan penulisan skripsi, tesis, dan disertasi* (1st ed.). Genta Publishing.
8. Fatmawati, N. I. (2018). Desentralisasi asimetris, alternatif bagi masa depan pembagian kewenangan di Indonesia. *Madani Jurnal Politik Dan Sosial Kemasyarakatan*, 10(3), 73-85. <http://e-jurnal.unisda.ac.id/index.php/MADANI/article/view/1265>
9. Fauzan, M. (2010). *Hukum pemerintahan daerah kajian tentang hubungan keuangan antara pemerintah pusat dan daerah*. STAIN Press.
10. Hanif, H., & Pratikno. (2012). Local politics in Indonesia, 1999-2010: A literature review. *Power, Conflict, Democracy Journal*, 4(1-2), 181-209. <https://doi.org/10.22146/pcd.25773>
11. Kaho, J. R. (2012). *Analisis hubungan pemerintah pusat dan daerah di Indonesia*. PolGov.
12. Kristiadi, J. B. (1992). *Administrasi pembangunan dan administrasi keuangan daerah*. Dalam JISS, PAU-IS-UI.
13. Kurniadi, B. D. (2012). Desentralisasi asimetris di Indonesia. Paper presented at the *Seminar in LAN*. <https://bdardias.staff.ugm.ac.id/wp-content/uploads/2008/06/Desentralisasi-Asimetris-di-Indonesia-LAN-Bdg-26112012.pdf>
14. Law Number 22 of 1999 regarding Regional Governance. Flevin. <http://www.flevin.com/id/Igso/translations/JICA%20Mirror/english/12.22.1999.eng.qc.html>
15. Law Number 32 of 2004 regarding Regional Governance. ILO. https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=77116
16. Law of the Republic of Indonesia Number 5 of 1974 regarding Governance Principal in Regions. Kemenkeu. <https://jdih.kemenkeu.go.id/fulltext/1974/5TAHUN~1974UU.HTM>
17. Law of the Republic of Indonesia Number 23 of 2014 regarding Local Governance. FAOLEX. <https://faolex.fao.org/docs/pdf/ins160168.pdf>
18. Lay, C. (2001). Otonomi daerah dan keindonesiaan. *Jurnal Ilmu Sosial dan Ilmu Politik*, 5(2), 139-162. <https://www.jurnal.ugm.ac.id/jsp/article/view/11394>
19. Manan, B. (1994). *Hubungan antara pusat dan daerah menurut UUD 1945*. Pustaka Sinar Harapan.
20. Marzuki, P. M. (2014). *Penelitian hukum: Edisi revisi 2005*. Kencana.
21. Nugraha, J. T., Achmad, T., Warsono, H., & Yuniningsih, T. (2022). Understanding information technology culture in digital-based public services. *Journal of Governance & Regulation*, 11(2), 62-79. <https://doi.org/10.22495/jgrv11i2art6>
22. Nurfuqon, A. (2020). Politik hukum otonomi daerah studi terhadap desentralisasi asimetris di Indonesia. *Khazanah Hukum*, 2(2). <https://doi.org/10.15575/kh.v2i2.8504>
23. Olley, W. O., Akpor, E. D., Harcourt-Whyte, D., Omosotomhe, S. I., Anikwe, A. P., Frederick, E. K., Olori, E. F., & Umolu, P. E. (2022). Electoral violence and voter apathy: Peace journalism and good governance in perspective. *Corporate Governance and Organizational Behavior Review*, 6(3), 112-119. <https://doi.org/10.22495/cgobr6i3p10>
24. Pantow, F., Tampi, B. J., & Mambo, R. (2019). Pelaksanaan kewenangan penyelenggaraan pemerintah Desa Kanonang V Kecamatan Kawangkoan Barat Kabupaten Minahasa. *Jurnal Administrasi Publik*, 5(84), 54-61. <https://ejournal.unsrat.ac.id/v3/index.php/JAP/article/view/26769/26365>
25. Perdana, M. T., Alfaris, M., & Iftitah, A. (2020). Kewenangan Bawaslu dalam Pilkada 2020 Pasca Putusan Mahkamah Konstitusi Nomor 48/PUU-XVII/2019. *Jurnal Supremasi*, 10(1), 1-11. <https://doi.org/10.35457/supremasi.v10i1.940>
26. Pollitt, C., Birchall, J., & Putman, K. (1998). Decentralised management of NHS trusts. In *Decentralising public service management* (Government beyond the centre, pp. 65-101). Palgrave. https://doi.org/10.1007/978-1-349-27010-1_5
27. Pratikno et al. (2010). *Desentralisasi asimetris di Indonesia: Praktek dan proyeksi*. Politics and Governance Major UGM.
28. Putri, A. S. (2020, January 8). Daftar dan Kabupaten di Indonesia. *Kompas*. <https://www.kompas.com/skola/read/2020/01/08/210000369/daftar-kabupaten-dan-kota-di-indonesia?page=all>
29. Santoso, P. (2010). *Masyarakat sipil, demokrasi dan desentralisasi pemerintahan*. Yayasan Tifa.

30. Sarundajang, S. H. (2011). *Arus balik kekuasaan pusat ke daerah*. Jakarta: Pustaka Sinar Harapan.
31. Sereliciouz. (2020, February 27). Luas Wilayah Indonesia — Geografi Kelas 11. *Quipper*. <https://www.quipper.com/id/blog/mapel/geografi/luas-wilayah-indonesia/#:~:text=Berdasarkan%20informasi%20dari%20Badan%20Informasi,Wow%2C%20luas%20banget%2C%20ya>
32. Sharon, G. (2021). Teori wewenang dalam perizinan. *Jurnal Justiciabelen*, 3(1), 50-63. <https://doi.org/10.30587/justiciabelen.v3i1.2249>
33. Waluyo, B. (2008). *Penelitian hukum dalam praktek* (3rd. ed.). Sinar Grafika.
34. Wasistiono, S. (2010). Menuju desentralisasi keseimbangan. *Jurnal Ilmu Politik AIPI*, 21, 31-40. <https://ru.scribd.com/document/453807877/4-Menuju-Desentralisasi-Sadu-Wasistiono-Jurnal-AIPI-No-21-Thn-2010-pdf#>
35. Wibawa, K. C. S. (2019). Penegasan politik hukum desentralisasi asimetris dalam rangka menata hubungan pemerintah pusat dengan pemerintah daerah di Indonesia. *Administrative Law and Governance Journal*, 2(3), 400-412. <https://doi.org/10.14710/alj.v2i3.400-412>