



Elimination of Autonomic Regions as a Strategic Step to Achieve the Purpose of Regional Autonomy and Good Governance in Indonesia

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<http://dx.doi.org/10.18415/ijmmu.v7i3.1524>

Abstract

The (central) government actually has the authority to act and disperse autonomous regions that do not have good performance. This decisive action is needed for autonomous regions that cannot realize improvements in the quality of public services, public welfare, and local democracy. The large number of new autonomous regions is inseparable from the weak central government control in carrying out decentralization. This condition was used by some local and national political actors to contest their political interests, including one of the ways through regional expansion.

Keywords: *Elimination; Autonomic Regions; Strategic Step; Achieve The Purpose of Regional Autonomy; Good Governance; Indonesia*

Introduction

The unitary state is a single state, sovereignty is only in one hand, namely the central government and does not consist of a collection of countries. According to Strong *the essence of a unitary state is that the sovereignty is undivided, or, in other words, that the powers of the central government are unrestricted, for the constitution of unitary state does not admit of any other law-making body than the central one*¹. Strong's opinion emphasizes that the inherent characteristic of a unitary state is *the supremacy of the central parliament, and the absence of subsidiary sovereign bodies*.

According to CF Strong in his book *Modern Political Constitutions*, a unitary state is a form of state that has the highest sovereignty in the hands of the central government. Strong further stated that; *The Essential qualities of a unitary state may therefore be said to be*²;

- 1) *the supremacy of the central parliament,*
- 2) *the absence of subsidiary sovereign bodies.*

¹ CF Strong, *Modern Political Constitutions: An Introduction in the Comparative Study of Their Historic and Existing from*, Sidgwick & Jackson Limited, London. 1960. p. 84.

² *Ibid.*

The implementation of decentralization is aimed at increasing the efficiency and effectiveness of governance, because decentralization is able to reduce the accumulation of power in the central government³. The formation of regions which has implications for the expansion, dissolution and merger of autonomous regions is the most popular policy discussed in this reform era. However, listening to the current national and local political developments, the issue of territorial expansion is likely to continue to be a political discourse that will not fade. That is because it is related to the main concern of local communities which involves various political pressures such as feelings and the desire to be independent⁴. Another reason that is no less important is the main concern for the welfare of the people because usually the area that wants to be expanded is far behind other regions⁵. As a result, the issue of regional expansion during this time has become more an answer to the problem of feelings of injustice, feelings of disregard, or feelings that want to separate themselves from this unitary state⁶.

Since the onset of the era of regional autonomy, it has had an impact on the formation of the New Autonomous Region (DOB) that has happened so rapidly and tends to be out of control. The strong aspect felt was precisely the playing of personal, group, ethnic, religious, cultural interests which were triggered by a sense of social jealousy, envy, ambition to become a ruler in the region and so on. From the available data it can be seen that during the period 1999 to 2004 148 new autonomous regions were formed consisting of 7 (seven) provinces, 114 (one hundred fourteen) districts and 27 (twenty seven) cities. Then, in the period of 2007 and 2009 the new autonomous regions have increased again with 57 (fifty seven) districts / cities, so that currently there are 205 new autonomous regions consisting of 7 provinces, 164 districts and 34 cities. In 2009-2018 DOB increased again by 5 (five) DOB, namely 1 province and 4 districts⁷.

With this formation increased the number of autonomous regions in Indonesia totalling 529 autonomous regions consisting of (34 provinces, 402 districts and 93 cities). Various arguments were raised for each region that proposed the formation of new autonomous regions in Indonesia in the form, that there was a need to overcome the distance of the range of control between the government and the community, as well as giving the region the opportunity to do equitable development. In addition, another reason cited is the development of local democracy through the distribution of power at a smaller level. As such, it is natural that there are questions as to whether the welfare of the people and the quality of public services will ultimately improve after the region has been divided.

In the evaluation of the performance of the implementation of local government in 2018 against 57 new autonomous regions aged zero to three years. The new autonomous regions were formed from 2007 to 2009. Evaluation results show that only 22.8 percent or 13 new autonomous regions have developed well or are considered successful regions. While the remaining 44 regions are not well developed⁸.

³ Astika Ummy Athahirah, Kesiapan Pemekaran “Kabupaten Renah Indojati” Di Provinsi Sumatera Barat, *Jurnal Ilmu-ilmu Sosial dan Humaniora “Sosiohumaniora”* Volume 21, Number 1 March, 2019.

⁴ Murtir Jeddawi, *Prokontra Pemekaran Daerah (Analisis Empiris)*, Total Media, Yogyakarta, 2017, p. 1

⁵ **Andik Wahyun Muqoyyidin**, Pemekaran Wilayah dan Otonomi Daerah Pasca Reformasi di Indonesia: Konsep, Fakta Empiris dan Rekomendasi ke Depan, *Jurnal Konstitusi*, Volume 10, Number 2, June, 2013.

⁶ From the results of USAID and DRSP research found that the regional expansion policy after the enactment of Law Number 22 of 1999 as replaced by Law Number 32 of 2004 concerning Regional Government has a significant difference compared to the regulation of regional expansion based on Law Number 5 Year 1974. The regional pemekaran policy in the New Order was indeed elitist and had a centralistic character, in which the planning and implementation of pemekaran was more the initiative of the central government, rather than participation from below. The process of regional expansion is often a closed process and a limited arena among the central government. (Report by Badan Perencanaan Pembangunan Nasional (Bappenas), *Studi Evaluasi Dampak Pemekaran Daerah 2001-2017*, published by BRIDGE (Building and Reinventing Decentralised Governance), 2018.

⁷ Endah Trikurniasih, *Analisis Dampak Pemekaran Daerah Terhadap Kinerja Keuangan dan Pelayanan Publik*, *Journal of Economics and Business “Ekonomis”* September 2019 edition.

⁸ <https://www.kppod.org/berita/view?id=191>. Accessed March 12, 2020.

As a follow-up to the evaluation, the government carries out special training and facilitation for new autonomous regions (the results of the division) including the preparation of regional apparatuses, the transfer of personnel, preparation of programs and finances (APBD), specifically the budget allocation plan for education, health, population administration, and infrastructure. In addition, special guidance and facilitation in terms of accelerating the completion of regional boundaries and accelerating the completion of office facilities and infrastructure.

Evaluations carried out by several institutions, both government and non-government, show that expansion tends to have a negative rather than positive impact. Some of the negative impacts are⁹:

- (a) expansion creates structural expansion which results in a heavy cost burden
- (b) The similarity in socio-cultural and historical characteristics of the community is the commitment of the majority of citizens, political aspects always prioritize it
- (c) Low fiscal capacity that causes local governments to try to increase revenues in various ways that actually harm the community and result in disparities
- (d) An increase in the number of regional governments simultaneously increases spending in the APBN and this burdens the central government.

The results of research by the World Agency for the Development Program (United Nations Development Program-UNDP) and BAPPENAS found that after five years of expansion, the condition of the new autonomous region was still under the condition of the parent region and the control area. The poor become concentrated in new autonomous regions. The results of the UNDP and BAPPENAS evaluations stated that the condition of the newly created regions was worse compared to the parent regions. The study also found that the cause of the condition was dominated by the limitations of natural and human resources in the area of expansion. Research results released in July 2017 conclude about the failure of regional expansion¹⁰.

The basic argument used is that regional autonomy is promised to provide change and progress, but its realization in several DOBs actually gives the nuances of uncertainty, primordialism, suspicion, and setbacks if it is not said to return to the initial conditions. This can be seen from the results of evaluations conducted by BAPPENAS and the Ministry of Home Affairs in the 1999-2014 range, as stated by Djohermansyah Djohan (Professor of IPDN) which states that around 70-80 percent of DOB's fail or are unable to meet the welfare of the community, unable to change services are better, and even depend the economy of the state budget¹¹. So the choice to merge or even dissolve an autonomous region that is considered a failure is a policy that deserves scrutiny.

Article 6 of Law Number 32 Year 2004 regulates;

- (1) Regions can be deleted and merged with other regions if the relevant region is unable to carry out regional autonomy.
- (2) Elimination and incorporation of autonomous regions is carried out after going through an evaluation process of the implementation of regional government.

⁹ Tri Ratnawati, *Pemekaran daerah, Politik Lokal dan Beberapa Isu Terseleksi*, Pustaka Pelajar, Yogyakarta 2009, p. 15.

¹⁰ Saldi Isra, *Quo Vadis Pemekaran Daerah?* Papers for the Seminar "Quo Vadis Pemekaran Daerah", held by Pusat Studi Konstitusi (PUSaKO) Fakultas Hukum Universitas Andalas, Padang in collaboration with Dewan Perwakilan Daerah (DPD) RI, at the Bumiminang Hotel, Padang April 14, 2009.

¹¹ <https://news.detik.com/kolom/d-4405000/dua-dekade-otonomi-daerah>. Accessed March 12, 2020.

- (3) The evaluation guidelines referred to in paragraph (2) are regulated in a Government Regulation.

To fulfill the order of Article 6 paragraph (3) of Law Number 32 of 2004¹², the Government established Government Regulation Number 78 of 2007 concerning Procedures for Formation, Abolition and Merger of Regions. The PP further stipulates that autonomous regions can be erased, if the relevant regions are declared unable to carry out regional autonomy. The deletion is carried out after going through a process; (1) evaluation of the performance of regional government administration and (2) evaluation of the ability of regional autonomy by considering aspects of community welfare, public services and regional competitiveness in accordance with statutory provisions. Deleted areas will be combined with other regions that are contiguous based on the results of the study¹³.

This provision can be read in Article 22 PP Number 78 Year 2007 which reads;

Article 22 PP No. 78 of 2007

- (1) An autonomous region may be deleted if the relevant region is declared unable to exercise regional autonomy.
- (2) Elimination of the regions referred to in paragraph (1) shall be carried out after going through the process of evaluating the performance of the implementation of regional government and evaluating the ability to carry out regional autonomy by considering aspects of public welfare, public services and regional competitiveness in accordance with statutory provisions.
- (3) The area removed as referred to in paragraph (1) shall be combined with other regions which are contending based on the results of the study.

Based on the evaluation process, the Minister of Home Affairs conveyed the results of the evaluation of the ability to carry out regional autonomy to the Regional Autonomy Advisory Council (DPOD). The DPOD convenes to discuss the results of the evaluation. In the event that the DPOD session assesses that certain regions are unable to carry out regional autonomy, the DPOD recommends that the regions be removed and combined with other regions. The Minister continues the DPOD's recommendations to the President. If the President approves the proposed elimination and merger of regions, Minister of Home Affairs prepares a draft law on the elimination and merger of regions.

Regencies / cities that can carry out fiscal decentralization are only regions that have abundant natural resource potential (SDA) or areas with large urban characteristics. For the record, out of 491 districts / cities in Indonesia, only 64 districts / cities have the potential for natural resources. For 92 percent of districts / cities in Indonesia that do not have the wealth of natural resources, it is not easy to release dependency from central government assistance. So, it is not surprising that the new regional autonomy has succeeded in showing the face of disparity between rich and poor regions rather than the distribution of prosperity.

In addition, the weak mechanism of central and provincial control over regions has resulted in government and provincial programs that are concentrated in districts / cities, difficult to monitor and evaluate. The central and provincial governments seem to be only as APBD donors or donors of funds are not binding, then, to be a saviour, for example, when it comes the lean season, natural disasters or disease outbreaks. The absence of strict legal rules governing supervision of the regions, has implications for the

¹² This law was later replaced by Law Number 23 of 2014 concerning Regional Government.

¹³ Explanation of Article 22 paragraph (3) PP 78 of 2008; "Deleted areas can be combined into one autonomous region or combined into several autonomous regions which are contiguous with due regard to the aspirations of the people"

synchronization of the preparation of the RPJP / RPJM / APBN National, and RPJP / RPJM / APBD Provincial and District / City.

The phenomenon of setbacks for each DOB because it is unable to realize prosperity and tends to increase poverty rates after the region was divided does not seem to be a dichotomy by each region not to propose the formation of DOBs. . However, every region that proposes should consider various aspects so that what has been the goal of establishing the DOB can be realized. As stated above, the objective of expansion is not purely for welfare, but other aspects that are very dominant. In addition, it must be recognized that there are differences in perception between the central government and regional governments in terms of regional expansion.

Based on these evaluations, as well as evaluations in the previous three years, showed that many regions in the administration of government were running inefficiently.

Problem Formulation

Based on the description stated above, then the problem can be identified as follows;

- (1) What is the legal construction of the regulation and procedure for the elimination of autonomous regions?
- (2) What is the ideal concept of eliminating autonomous regions as a strategic step towards realizing the objectives of regional autonomy and good governance in Indonesia?

Discussion

1. Construction of the Law on the Elimination of Autonomous Regions

a. Regional Elimination Arrangements according to the Law on Regional Government.

The idea of regional expansion and the formation of the New Autonomous Region has a fairly strong legal basis. Judicially, the foundation containing the issue of regional formation is contained in article 18 of the 1945 Constitution, in essence, that dividing the Indonesian territory over large regions (provinces) and provincial regions will be divided into smaller regions. Furthermore, in Article 32 of Law Number 23 Year 2004 concerning Regional Government it is explained that the Formation of Regions took the form of regional expansion and merging of Regions. Regional formation includes the formation of provincial regions and the formation of regency / city regions.

From observations in the field, these legal rules have been interpreted and utilized by political actors as an opportunity for the region to seize power that has so far been dominated by the central government. It is in this context of seizing power that political actors in the region have seen expansion the most open political opportunity. Behind the reasons for bringing public services closer to a society that has been geographically isolated, expansion a very complex socio-political process. The formation of new provinces and districts has turned out to be an arena for political actors to achieve short-term goals, namely to gain political power. Seizing power from the central government and dividing it among the political elites in the regions is a crucial issue that has so far been poorly observed. This power struggle,

as found in Central Sulawesi (Poso) and in Southeast Sulawesi (Buton) has caused tensions and conflicts, both before and after the regional expansion was successfully carried out¹⁴.

Government Regulation of the Republic of Indonesia Number 78 Year 2007 concerning Procedures for Formation, Elimination and Merger of Regions, it is explained that the Elimination of Regions is the revocation of status as a provincial or regency / city area, and Merging of Regions is the integration of deleted regions into contiguous other regions. Formation of a region can be in the form of a merging of several regions or parts of a contiguous region or division from one region into two or more regions.

The formation of regions as referred to in paragraph (1), can be in the form of the formation of provincial or district / city regions. The formation of the provincial area as referred to in paragraph (2) may be in the form of a. expansion from 1 (one) province to 2 (two) provinces or more; b. merging several regencies / cities that are joined in different provinces; and c. merger of several provinces into 1 (one) province¹⁵. The formation of regency / city areas as referred to in paragraph (2) can be in the form of: a. expansion from 1 (one) district / city to 2 (two) districts / cities or more; b. merging several sub-districts that are contiguous in different regencies / cities; and c. merging several regencies / cities into 1 (one) regency / city¹⁶. The regions formed as referred to in Article 2 paragraph (3) letter a and paragraph (4) letter a can be expanded after reaching the minimum age of administration of 10 (ten) years for the province and 7 (seven) years for the regency and city.

Autonomous regions can be deleted, if the relevant region is declared unable to carry out regional autonomy. Elimination of the regions is carried out after going through the process of evaluating the performance of the implementation of regional government and evaluating the ability to carry out regional autonomy by considering aspects of community welfare, public services and regional competitiveness in accordance with statutory provisions.

Based on the evaluation process as referred to above, the Minister submits the results of the evaluation of the ability to carry out regional autonomy to the DPOD. The DPOD convenes to discuss the results of the evaluation. In the event that the DPOD session assesses that certain regions are unable to carry out regional autonomy, the DPOD recommends that the regions be removed and combined with other regions. The Minister continues the DPOD recommendations as referred to in paragraph (3) to the President. If the President approves the proposed abolition and merger of regions, the Minister prepares a draft law on the elimination and merger of regions. Deleted areas) are combined with other regions that are contending based on the results of the study

b. Government Regulation Number 78 Year 2007 Regarding Formation, Elimination and Merger of Regions

In accordance with the mandate of Article 8 of Law No. 32 of 2004, that the procedures for the formation, elimination, and merger of regions are regulated by Government Regulation, the Government has issued Government Regulation No. 78 of 2007 concerning Procedures for Formation, Elimination and Merger of Regions¹⁷ (PP No. 78 of 2007). PP No. 78 of 2007 regulates all matters relating to the formation of new regions (expansion), incorporation, and elimination of provincial and district or city

¹⁴ Riwanto Tirtosudarmo, *Paradigma dalam Kebijakan Desentralisasi di Indonesia: Sebuah Kritik terhadap Dominasi Public Administration School*, Jurnal Masyarakat & Budaya, Volume 10, Number 1, 2008

¹⁵ The formation of the provincial region in the form of provincial division and the merging of several contiguous regencies / cities in different provincial regions must meet regional administrative, technical and physical requirements.

¹⁶ The formation of regency / city areas in the form of district / city expansion and merging of several contiguous sub-districts in different regency / city areas must meet regional administrative, technical and physical requirements.

¹⁷ Republic of Indonesia Government Regulation No. 78/2007 concerning Procedures for Formation, Elimination and Merger of Regions, Statute Book No. 162/2007, Supplement to Statute Book No. 4791.

autonomous regions. Specifically regarding the elimination and merger of regions regulated in Chapter IV and Chapter V PP No. 78 of 2007.

The word deletion and merging of regions in accordance with PP No. 78 of 2007 are two interrelated words. According to Article 1 Number (8) and (9) PP No. 78 of 2007, the elimination of a region is revocation of status as a provincial or regency / city area, while the merging of regions is the uniting of the area that is deleted into other areas that are contiguous. So the merging of provincial or district / city autonomous regions is a consequence that must be carried out as a result of the elimination of the provincial or regency / city autonomous regions.

Furthermore, Article 22 PP No. 78 of 2007 explains that autonomous regions can be removed, if the relevant regions are declared unable to carry out regional autonomy. Elimination of the regions is carried out after going through a process of evaluating the performance of the administration of regional government and evaluating the ability to carry out regional autonomy by considering aspects of community welfare, public services and regional competitiveness in accordance with the provisions of the legislation. The deleted area is combined with other regions that are juxtaposed based on the results of the study¹⁸. The regional study itself is a provincial and district / city study prepared by a Team formed by the regional head to assess the feasibility of forming an area objectively which contains a quantitative assessment of technical factors, supplemented by a qualitative assessment of other factors that have their own characteristics¹⁹. Deleted areas can be combined into one autonomous region or merged into several autonomous regions which are contradictory with due regard to the aspirations of the people²⁰.

In addition, PP No. 78 of 2007 also regulates the procedures for the elimination and incorporation of regions. This is found in Chapter V, Article 23, PP No. 78 of 2007, which states that based on the evaluation process, the Minister²¹ submits the results of the evaluation of the ability to carry out regional autonomy to the DPOD (Regional Autonomy Advisory Council)²². The DPOD convenes to discuss the results of the evaluation. In the event that the DPOD session assesses that certain regions are unable to carry out regional autonomy, the DPOD recommends that the regions be removed and combined with other regions. The Minister continues the DPOD's recommendations to the President. If the President approves the proposed abolition and merger of regions, the Minister prepares a draft law on the elimination and merger of regions.

From the description above, it can be concluded that the regulation regarding the elimination and incorporation of regions is still less detailed than the regulation regarding regional formation. Articles 22 and 23 PP No. 78 of 2007 only contain very general explanations. It is very different from Article 2 to Article 21 which really details the process and procedures for regional formation.

c. Government Regulation Number 6 of 2008 concerning Guidelines for Evaluating the Implementation of Regional Government

Measures to eliminate and merge regions, as described in the previous sub-chapter, must first go through the evaluation process. The procedures, mechanisms and procedures regarding the evaluation process itself are not regulated in PP No. 78 of 2007, but is regulated separately in Government

¹⁸ Article 22 PP No. 78 of 2007.

¹⁹ Article 1 Number (12) PP No. 78 of 2007.

²⁰ Explanation of Article 22 paragraph (3) PP No. 78 of 2007.

²¹ Minister is the Minister of Home Affairs according to Article 1 Number (13) PP No. 78 of 2007.

²² DPOD is a board that provides advice and consideration to the President on regional autonomy policy according to Article 1 Number (11) PP No. 78 of 2007.

Regulation No. 6 of 2008 concerning Guidelines for Evaluating the Implementation of Regional Government (PP No. 6 of 2008)²³.

The government is obliged to evaluate the performance of regional government or referred to as the evaluation of regional government administration (EPPD) to find out the success of the regional administration in utilizing the rights obtained by the region with the planned outputs and results. The main objective of the evaluation is to assess the performance of regional government in an effort to improve performance to support the achievement of the objectives of regional autonomy based on the principles of good governance.

In the context of implementing regional autonomy, an evaluation of the implementation of regional government is also carried out. This is mandated by Law Number 32 Year 2004, Government Regulation Number 6 Year 2008 concerning Guidelines for Evaluating the Implementation of Regional Government. Evaluation involves three elements, namely²⁴:

1. Evaluation of the Performance of Local Government Administration (EKPPD), Is a process of collecting and analyzing data systematically on the performance of the implementation of local government by using a performance measurement system.
2. Evaluating the Capability of Organizing Regional Autonomy (EKPOD),

Is a process of collecting and analyzing data systematically on the ability to carry out regional autonomy which includes aspects of public welfare, public services, and regional competitiveness.

3. Evaluation of the New Autonomous Region (EDOB),

Is an evaluation of the development of the complete aspects of the administration of regional government in newly formed regions.

The performance evaluation is carried out annually by the government and is applied to all autonomous regions. The regional head has been required to submit his report. The aim is for the government to obtain feedback as the basis for the government to provide guidance and supervision of the performance of regional government administration. The results of the regional capacity evaluation will be the basic material for the Regional Autonomy Advisory Council in giving consideration to the President of the Republic of Indonesia in terms of central and regional financial balances, as well as the formation, elimination and merging of regions.

EPPD includes an evaluation of the performance of the administration of regional government (EKPPD), an evaluation of the ability to carry out regional autonomy (EKPOD), and evaluation of new regions (EDOB). EKPOD is implemented if an area based on EKPPD results shows low achievement for 3 (three) years in a row. EDOB is carried out specifically for new autonomous regions in the context of evaluating the development of the completion of aspects of regional governance. The EKPPD is carried out by assessing the performance of the level of decision making, namely the Regional Head and DPRD, and the level of implementation of regional policies, namely the regional work units (SKPD).

The main source of information for the EKPPD is the Regional Government Implementation Report (LPPD) submitted by the regional head to the Government. In addition, if deemed necessary, the evaluation can also use additional information sources from other reports both from government

²³ Government Regulation No. 6 of 2008 concerning Guidelines for Evaluating the Implementation of Regional Government. Republic of Indonesia State Gazette of 2008 Number 19, Supplement to Republic of Indonesia State Gazette Number 4815.

²⁴ Article 1 number (14), (15) and (16) PP No. 6 of 2008.

information systems, local government reports at the request of the Government, responses to the Regional Head Accountability Report (LKPD), and reports from the public. The EKPPD is implemented by integrating performance measurements carried out by the EPPD National Team and the EPPD Regional Team, as well as measurements by the regional government (self-assessment, self-assessment) carried out by the Assessment Team.

The assessment is carried out using key performance indicators for each measurement that will automatically produce regional performance ratings nationally that can be used to determine the capacity building policy of local government in order to encourage competition between regions in the implementation of regional autonomy. The results of the evaluation of the implementation of regional government are used as material for the President's consideration in formulating the regional autonomy policy in the form of forming, eliminating, and combining a region and to assessing and determining the level of achievement of the performance standards that have been set for each governmental affairs carried out by the regional government²⁵.

2. The ideal concept of eliminating autonomous regions as a strategic step towards realizing the objectives of regional autonomy and good governance in Indonesia

Almost certainly the purpose of regional expansion is for the welfare of the community. This opinion is certainly pros and cons, because in reality there are many arguments if the aim of regional expansion is nothing but to form "kings" in each region. Of course this opinion is not all true, but also not all wrong. In Farida's Dissertation study in 2010, that the purpose of expansion was for welfare, it seemed to be merely a slogan, because after the expansion of the area unemployment continued to increase to 35.5% (9,121 people), which was only 23.44% (5,883 people) before the division. . In Tebo Regency, at the beginning of the division the number of unemployed was 378 people to 3,565 people (up 89.39%) at the time of the study. The number of people belonging to underprivileged families decreased by 11.5% (from 24% to 12.5%) in Bungo District, while in Tebo District the decrease was only 0.9% (from 18.9% to 18%) . This number is still very small for ten years after the division is carried out. In addition, during the ten years of the division, the heads of families in the two districts were mostly family welfare group II (KS II). From the beginning of expansion until now, there has been no improvement in the community and most of them remain in this group. This shows that, changes for the welfare of society have not been successfully implemented²⁶.

In juridical manner, as regulated in Law Number 23 of 2014 concerning Regional Government, that the process of merging regions with various variations of collaboration is very possible as long as it aims to accelerate the improvement of people's welfare²⁷. If there is a poll / imprint of public opinion about the current state of development in the region, it is very possible that people in many regions do not care about the status of the district / city or province, which is important for the community to be more prosperous²⁸. From the evaluation of the implementation of the regional structuring policy, the most important finding is that there is absolutely no practice of merging between regions in Indonesia²⁹. In fact, indications of the symptoms of the proposed merger of regions never existed. This shows the existence of policy infrastructure problems that do not provide incentive structures for regions to merge. Meanwhile, the opposite is true for many times. Provisions and policies for regional expansion are very much happening and even efforts to make regional expansion continue.

²⁵ PP General Explanation 6 of 2008.

²⁶ Farida in Bambang Supriyadi "Pengembangan Wilayah di Daerah Otonom" Disertasi Sekolah Pasca Sarjana, Institut Pertanian Bogor, 2010, p. 13

²⁷ Zuly Qodir, Tunjung Sulaksono, *Politik Rente dan Konflik di Daerah Pemekaran*, JKSG, 2012, p. 3.

²⁸ C.S.T. Kansil, *Hukum Tata Pemerintahan Indonesia*, Jakarta: Ghalia Indonesia, 1986, p. 280.

²⁹ Rudy, *Hukum Pemerintahan Daerah*, Bandar Lampung: Pusat Kajian Konstitusi dan Peraturan Perundang-undangan Faculty of Law, University of Lampung, 2013, p. 26.

Merging regions is the same as eliminating regions, merging regions is usually also done by looking at the interpretation of the government in seeing the ability of a region to develop its own households. Merger of regions that are not yet considered capable of managing their own household policies and arrangements.¹³ Formation of regions can be in the form of merging several regions or parts of a contiguous region or splitting from one region to two or more regions. Whereas in Article 4 paragraph (4) of Law Number 32 Year 2004 concerning Regional Government it is stated: "The division from one region to 2 (two) regions or more as referred to in paragraph (3) can be carried out after reaching the minimum age of government administration".

The practice of merging regions has actually been implemented in many developed countries, Japan or European countries, for example. The policy of regional integration in developed countries could be a reference for the decentralization policy strategy in Indonesia. ¹⁴ After 1961, regional integration was intended to support economic development. Infrastructure development and subsidy programs provided to larger government units are used as motivation for small cities to merge regions. However, the merger of regions after 1960 was largely carried out on a voluntary basis. Residents naturally leave small villages to go and settle in cities close to their villages; in cases where the population flow to neighbour cities is large, villages voluntarily declare themselves to join these cities. In this case, much of the merging of territories in modern times is a bottom-up process, encouraged by mayors and village assemblies rather than coerced by prefectures or national authorities.

Ideally the merging of regions is to improve public services and improve people's welfare. This means that the merging of regions must be motivated by rational public service and social welfare, by minimizing non-economic reasons (historical, cultural, ethnic and religious backgrounds) that are often emotional. This means that the merging of regions is not "*unclean*", and may even need to be encouraged. Incentives for regional integration must be as attractive as possible so as to increase community participation, and vice versa minimize the elite's "*lust*" for regional expansion. Both regional expansion and merger should be based on and must be endeavoured by all parties to be carried out democratically, peacefully and accountably (responsibly).

Regional Merger is the uniting of a Region that is deleted to other Regions. In these regulations, in general it can be said that the policy of formation, elimination and incorporation must be directed to improve the welfare of the community, through:

- 1) Improving services to the community;
- 2) Accelerating the growth of democratic life;
- 3) Accelerating the implementation of regional economic development;
- 4) Accelerating regional potential management;
- 5) Enhancing security and order;
- 6) Enhancing harmonious relations between the centre and the regions.

The formulation of future regulations is not only a policy on regional expansion, but also needs to provide an equal portion of the merger of autonomous regions. Both the division and incorporation of autonomous regions are based on the same argument. The formulation of the objectives of regional structuring policy is not only for the interests of the region, but also for the fulfilment of national interests. Therefore, the alternative formulation of the objectives of regional structuring policy is the extent of the regional expansion and integration policy:

- 1) Support the management of socio-cultural problems at the regional and national levels.
- 2) Support the improvement of public services at the regional and national levels.
- 3) Accelerate economic development, both the regional economy and the national economy in the most efficient way possible.

4) Increasing political stability, both in the context of increasing regional support for national government, as well as in managing political stability and national integration. We will use this indicator to see the impact of regional expansion, although these impacts cannot be described in black and white, but are described in a dilemma situation.

In addition to the formal juridical winding road, due to several stages that must be carried out, even involving political institutions, namely the DPR RI in the discussion and stipulation of a bill on the elimination and incorporation of certain regions, there are several other aspects that also need to be considered in the elimination and merger of regions.

First, with the formation of new autonomous regions, both provincial, district and city, various resources, both those owned by the region and the centre, have been sucked into the area. The physical and human resources (apparatus) that have been provided to support the new autonomous region will be very wasteful, if the area is removed and combined.

Second, the essence of regional expansion is to get government services closer to the community. One of the reasons why an area is divided is the size of a region, so that by splitting into two or more new autonomous regions, service to the community is closer and optimal. Returning the area that had been divided to its parent is the same as returning the community service centre to the local people.

Third, new autonomous regions have regional heads and deputy regional heads elected by the people. The same thing happened to the local DPRD. These two institutions, which are directly elected by the people, will be severely damaged by their legitimacy, if (suddenly) they have to shrink because the agencies they lead the government are combined with their home regions, or adjoining regions. In this case, not only gave birth to technical problems of governance, but also philosophically would hurt political choices made democratically by the local people.

Autonomous regions can be deleted, if the relevant region is declared unable to carry out regional autonomy³⁰. Elimination of the regions is carried out after going through a process of evaluating the performance of the administration of regional government and evaluating the ability to carry out regional autonomy by considering aspects of community welfare, public services and regional competitiveness in accordance with the provisions of the legislation. The deleted area is combined with other regions that are juxtaposed based on the results of the study.

Law No. 32/2004 concerning Regional Government provides few hints on regional integration. This law does not provide a clear mechanism for regional integration, other than delegating it to a government regulation (PP) to regulate it further. PP governing the matter of merging regions is Government Regulation Number 78 of 2007 concerning Procedures for Formation, Elimination and Merger of Regions. In the provisions of Article 1 number 9 of the PP it is stated that what is meant by the merging of regions is the uniting of the area which has been deleted into other regions which are contradictory.

Based on the evaluation process, the Minister submits the results of the evaluation of the ability of the implementation of regional autonomy to DPOD. The DPOD convenes to discuss the results of the evaluation. In the event that the DPOD session assesses that certain regions are unable to carry out regional autonomy, the Regional Autonomy Council's Council recommends that the regions be deleted and merged into other regions.

³⁰ Article 22 paragraph (1) Government Regulation Number 78 of 2007 concerning Procedures for Formation, Abolition and Merger of Regions.

The Minister forwards the recommendation to the President. If the President approves the proposed abolition and merger, the Minister prepares a draft law on the elimination and merger of the regions. Article 22 of the PP affirms the provisions concerning the elimination of the region prior to the merger of the region, the deletion of the region can be done because the region based on the results of a study by the Ministry of Home Affairs is not able to carry out regional autonomy. The study conducted by the Ministry of Home Affairs by looking at indicators in the form of aspects of community welfare, public services and regional competitiveness.

The Ministry of Home Affairs study results were then handed over to the Regional Autonomy Advisory Council (DPOD). If the DPOD has a similar view to the Ministry of Home Affairs, the DPOD through the Ministry of Home Affairs continues the recommendation to eliminate the region to the President. If the President agrees with the recommendations that propose the elimination of the region, the minister prepares a draft law on the elimination and merger of the regions.

Conclusion

The (central) government actually has the authority to act and erase autonomous regions that do not have good performance. This decisive action is needed for autonomous regions that cannot realize improvements in the quality of public services, public welfare, and local democracy. The large number of new autonomous regions is inseparable from the weak central government control in carrying out decentralization. This condition was used by some local and national political actors to contest their political interests in the form of regional expansion.

To fulfil the order of Article 6 paragraph (3) of Law Number 32 of 2004, the Government established Government Regulation Number 78 of 2007 concerning Procedures for Formation, Abolition and Merger of Regions. Article 1 number 8 PP Number 78 of 2007 provides a definition of the elimination of the area as a form of revocation of status as a provincial or regency / city area. The PP further stipulates that autonomous regions can be erased, if the relevant regions are declared unable to carry out regional autonomy. The deletion is carried out after going through a process; (1) evaluation of the performance of regional government administration and (2) evaluation of the ability of regional autonomy by considering aspects of community welfare, public services and regional competitiveness in accordance with statutory provisions. Deleted areas will be combined with other regions that are contiguous based on the results of the study.

Unfortunately, PP 78 of 2007 which came into force on December 10, 2007 does not clarify what is meant by (1) evaluation of the performance of regional government administration and (2) evaluation of the ability to carry out regional autonomy. These two factors become important factors in removing autonomous regions. These two terms can only be read in Government Regulation Number 6 of 2008 concerning Guidelines for Evaluating the Implementation of Regional Government. Supposedly, the forming of PP No. 78 of 2007 must clearly explain these two factors so that the intended legal product can be implemented after it is formed.

Even worse, the new government provides an interpretation of the interpretation of (1) an evaluation of the performance of regional government administration and (2) evaluation of the ability of the implementation of regional autonomy in the next regulation. Ie, in Government Regulation Number 6 of 2008 concerning Evaluation Guidelines for the Implementation of Regional Government which entered into force on February 4, 2008.

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