

## Asymmetric decentralisation arrangements in the implementation of regional autonomy in Indonesia

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**Abstract:** This research aims: 1) to find, review, and analyze the importance of asymmetrical decentralization in the implementation of regional autonomy; 2) to find, review, and analyze the form of asymmetrical decentralization arrangements in the implementation of regional autonomy in Indonesia; and 3) to find the ideal concept of asymmetrical decentralization arrangements in the implementation of regional autonomy in Indonesia. The type of research is normative legal research, strengthened by a statutory approach, conceptual approach, and analytical approach. The legal materials used are primary legal materials and secondary legal materials. Primary and secondary legal materials that have been systematically synchronized are then further reviewed based on existing laws and legal theories so that research findings and conclusions are obtained. The results of the study show that: 1) Asymmetrical decentralization is important in the implementation of regional autonomy in Indonesia because it respects the privileges and specificities of the regions as stipulated in Articles 18A and 18B of the 1945 Constitution, and to prevent regional disintegration. 2) The form of asymmetrical decentralization regulation in Indonesia is in the form of law. This arrangement not only distinguishes it from symmetrical regions but also from asymmetrical regions. Each asymmetrical region has a specialty or specificity that distinguishes it from other asymmetrical regions. This arrangement aims to maintain national unity and encourage the development of regions that require special attention. 3) The ideal concept of asymmetrical decentralization regulation takes two forms: first, creating standard criteria for asymmetrical decentralization in the Local Government Law, and second, establishing regional diversity based on the pattern of Central and Regional relations, cultural characteristics, diversity management, improving development inequality, and overcoming geographical and infrastructure challenges to support sustainable development.

**Keywords:** *Asymmetric, Decentralisation, Regional autonomy.*

### 1. Introduction

The implementation of the Decentralisation system has led to a shift or transfer of management authority from the centre to local governments at the provincial, district and city levels [1]. This means that the transfer of government affairs from the Centre to the regions is an effort to empower the regions.

Historically, the decentralisation system was implemented before Indonesia's independence, when it was colonised by the Dutch. This was outlined in Law Number 219 of 1903 concerning *Decentralisation of Government* during the Dutch East Indies, entitled *De Wet Houdende Decentralisatie van het Bestuur in Nederlands-Indie*. The effect of the enactment of this law was that in the implementation of government in the Dutch East Indies the opportunity was given to form its own regions, where the regions had their own sources of financing in order to manage their household affairs. Further explained as a follow-up to the *Decentralistie Wet 1903* was the issuance of the king's decree number 39 dated 20 December 1904

which contained the election of members of the local *raad* (council of representatives), the rights and obligations of the chairman, secretary and members as well as the authority and workings of the organisation. In essence, the 1903 *Decentralistie Wet* provided an opportunity for government units to organise their own finances [2].

After the issuance of the *Decentralistie Wet System* in 1903, followed by the issuance of the *Bestuursvorming Wet* in 1922, stipulated that the regions could manage their own household affairs, as well as dividing the areas controlled by the Dutch into *gewes* or what is known as *provinces* today, *regentschap* or *districts* and *staatsgemeente* or municipalities [3]. This means that the decentralisation system is a colonial legacy that is still practised in Indonesia today.

After the end of Dutch colonisation, Indonesia was then colonised by the Japanese. In 1942, military officials in Java (*Gunsireikan*) issued *Osamu Seirei* (law) Number 27 of 1942 in order to regulate the management of local government. This *Osamu Seirei* divided Java into several *syuu* (*kerasidenan*), and the *syuu* were divided into *ken* (regencies), and the *ken* were divided into *shi* (townships) [4]. During the Japanese occupation it was almost the same as during the Dutch colonial rule where local governments only had very limited or almost no authority. It can be said that the designation "autonomous region" for local governments that existed at that time was misleading. Moreover, in reality, the Japanese colonial administration was much more intensive than the Dutch colonial administration in penetrating into people's lives [2].

After the reformation in 1998, a significant change occurred in the constitutional system in Indonesia, from centralisation towards decentralisation, there were 2 (two) interesting things in the process of political change in Indonesia during the early reformation period. First, the political direction of the Indonesian state changed from authoritarianism to a more democratic state. Second, the direction of national and local development changed from centralisation to decentralisation [2].

After Indonesia's independence, for the first time Indonesia issued a legal basis related to the implementation of local government, namely Law No. 1 of 1945 concerning Regulations on Regional National Committees established as a result of a review of the history of government that began during the royal period until the Dutch and Japanese colonial periods. The emphasis in Law No 1 of 1945 was the desire to realise popular sovereignty by establishing a representative body in each region. Furthermore, it established three types of autonomous regions, namely *kerasidenan*, *kabupaten*, and *kota*. However, according to Law No. 1 of 1945, regional policy was also emphasised on the principle of deconcentration, so that the head of the region was only an extension to carry out the affairs determined by the centre [2].

Then Law No. 22/1948 on the Stipulation of Basic Rules Regarding Self-Government in Regions Entitled to Regulate and Manage Their Own Households was born, which replaced Law No. 1/1945. Law No. 22/1948 regulates a more democratic regional government structure in which this law stipulates 2 (two) types of autonomous regions, namely ordinary autonomous regions and special autonomous regions, and three levels of regions, namely provinces, large districts / cities, and small villages / cities. In addition, it regulates the transfer of some government affairs from the centre to the regions. However, there is still a dualism of the role of the regional head, namely in addition to playing a major role for the region, but he is also an extension of the centre placed in the region [5].

Then Law No. 1 of 1957 on the Principles of Regional Government was born again, which emphasised a system of real autonomy based on the real capabilities and abilities of the regions. In Law Number 1 Year 1957, autonomous regions were formed with the widest possible scope. In this case, the regions have the authority to manage their own household affairs. While the centre itself only has the authority that has been regulated in the law which is included in the powers of the central government.

Shortly afterwards, in 1959, Presidential Decree No. 6 of 1959 was issued which emphasised that decentralisation was changing to be under strong central government control. The Presidential Decree also stipulated that the Regional Government consisted of the regional head and the DPRD where the regional head had 2 (two) functions, namely both as a regional executive and as a representative of the centre in the region. As the regional executive, the regional head is responsible to the DPRD, but

cannot be dismissed by the DPRD. Furthermore, as the representative of the centre in the region, the regional head is responsible to the central government, meaning that at that time the government was still centralised. The Presidential Decree of 5 July 1959 marked the beginning of full centralisation, with the central government managing all affairs until 1966.

After that, Law No. 18 of 1965 on the Principles of Regional Government, then Law No. 5 of 1974 on the Principles of Government in the Regions again made the regions autonomous. The territory of the Republic of Indonesia is divided into autonomous regions and administrative regions. Autonomous regions are organised in stages, namely level I regions and level II regions by implementing the principle of decentralisation.

Entering the reformation period, the demand for regional strengthening is getting stronger. This was due to distrust of the New Order regime, which was riddled with corruption, collusion and nepotism. Law No. 22/1999 on Regional Government and Law No. 25/1999 on Financial Balance between the Central and Regional Governments were issued.

The desire of people in the regions to enjoy their natural resources could not be realised with these two laws. Thus, Law No. 32/2004 on Regional Government and its amendments emerged. This law applies the principle of real autonomy, which is a principle that in handling government affairs must be carried out based on the authority, obligations, and duties that actually exist and have the potential to develop, grow, and live in accordance with the characteristics and potential of the region, and applies the principle of responsibility, which means that the implementation of autonomy must be in line with the aims and objectives of granting autonomy itself, which in principle is in the context of empowerment to the regions, including improving the welfare of local communities, which is part of the main national goal.

Because Law No. 32/2004 still had multiple interpretations that became a loophole for the entry of a centralised government system, the latest regulation, Law No. 23/2014 on Regional Government (hereinafter referred to as the Local Government Law), emerged. Based on the Local Government Law, the division of affairs and regional authority has also been regulated in more detail. It is explicitly explained that regional governments exercise the widest possible autonomy with the understanding that the regions have the authority to regulate and manage all government affairs, except for government affairs that fall under the authority of the central government. The purpose of this division of government affairs is to improve the welfare of the community, improve services to the community, and increase regional competitiveness [2].

Since Indonesia's independence, many laws on local government have been issued with the aim of finding a form of decentralisation that is appropriate to the conditions that exist in Indonesia, meets the expectations of the community and is in accordance with the demands of the development process.

Decentralisation essentially aims to bring services closer to the people through the "division of affairs" or "delegation of some authority" of the central government to local governments. Therefore, the concept of decentralisation practised in Indonesia is political decentralisation and administrative decentralisation plus fiscal decentralisation. This is in accordance with Herman Finer's opinion that *government* includes; (1) The process of politics, and (2) The process of administration (Herman, 1954). From this opinion, it can be concluded that the object of study of Government Science includes the process of formulating government policies (in the political area) and the process of implementing policies (in the administrative/technical area).

One form of decentralisation to support the grand vision of Otda is the granting of Special Autonomy (hereinafter referred to as Otsus) through the concept of asymmetric decentralisation. Constitutionally, this asymmetrical design has been stated in the 1945 Constitution, namely in Articles 18A and 18B. These two articles are present to bridge several regions that have specialities and sociocultures that are different from other regions, for example Aceh through Law of the Republic of Indonesia Number 11 of 2006 concerning the Government of Aceh (hereinafter referred to as the Aceh Government Law), Papua through Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua which has been amended several times by Law of the Republic of Indonesia Number 2

of 2021 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy for the Province of Papua (hereinafter referred to as the Papua Special Autonomy Law), including its expansion provinces which are commonly referred to as "New Autonomous Regions" (DOB), Special Capital Region of Jakarta (hereinafter referred to as DKI Jakarta) through Law of the Republic of Indonesia Number 29 of 2007 on the Provincial Government of the Special Capital Region of Jakarta as the Capital of the Unitary State of the Republic of Indonesia, which was revoked and replaced by Law of the Republic of Indonesia Number 2 of 2024 on the Special Capital Region of Jakarta (hereinafter referred to as DKI Jakarta Law), and Special Region of Yogyakarta (hereinafter referred to as DI Yogyakarta) through Law of the Republic of Indonesia Number 13 of 2012 on the Specialty of the Special Region of Yogyakarta (hereinafter referred to as DI Yogyakarta Law). In addition to these four, asymmetrical decentralisation by naming the status as a Special Economic Zone (SEZ) such as in Batam City through Government Regulation of the Republic of Indonesia Number 68 of 2021 concerning Nongsa Special Economic Zone, which is located in Batam City, Riau Islands Province.

There are several reasons why asymmetrical decentralisation should be implemented: first, conflict and separatist demands. It is well known that Aceh and Papua provinces and their expansion have received special treatment in the form of special autonomy. This is due to the unresolved conflict with separatists over resources. Second, the reason for the national capital. This special treatment is only given to the Special Capital Region of Jakarta (DKI Jakarta). Given that DKI Jakarta is an accessible area with the best infrastructure in the country, the special treatment is manifested in the absence of general elections for regional heads for Regents/Mayors. In addition, there will be a relocation of the national capital, so there will also be different treatment for the new national capital and the former national capital [6].

Third, historical and cultural reasons. Yogyakarta's special status is part of the history of the founding of the Indonesian state and nation. Special treatment is seen in the determination of the Regional Head (Governor) and Deputy Regional Head (Deputy Governor) in DI Yogyakarta which is carried out by the DPRD. The Governor of Yogyakarta is the Sultan and the Deputy Governor is the ruling Pakualam. Fourth, border reasons. Border areas need to receive special treatment. This is due to the role of border areas as territorial boundaries with neighbouring countries. Border areas hold an important function because they have complex problems that must be faced, for example in North Kalimantan Province, by requiring the regional head to come from the military. This is because the potential for "border crossing" is quite high, in addition, strengthening in the fields of infrastructure as well as education and health services must also be considered.

Fifth, economic development centres. In areas that geographically have the opportunity to become special economic zones, the government should be able to issue policies so that the area has high economic competitiveness. Areas such as Batam City can be developed and formed into Indonesia's "Singapore". The presence of the SEZ concept is expected to build economic competitiveness at the national level through value-added and value-chain industries and tourism.

Although the asymmetric decentralisation policy was enacted with a variety of underlying spirit, it still has various problems, both in its legislation and in its implementation. In legislation, for example, asymmetric decentralisation seems to stand alone, independent of the Local Government Law. As the "umbrella" and "parent" law in the implementation of regional autonomy (*lex generalis*), the Local Government Law does not provide standard criteria regarding the size of a region to which asymmetrical decentralisation applies.

For example, the Local Government Law regulates the requirements for regional expansion and/or merger of regions; provincial/regency/city, in Article 33 to Article 47. This should also be applied to asymmetrical decentralisation by regulating the criteria. Although in reality, asymmetrical decentralisation in DKI Jakarta, DI Yogyakarta, DI Aceh, Papua Province and Batam City, has its own specificities that distinguish it from other symmetrical regions. Determining the standard criteria is important to align the spirit of the Local Government Law and the legislation that gave birth to the

asymmetrical decentralisation, none other than so that the asymmetrical decentralisation "does not run alone", out of the spirit of the Local Government Law.

Second, in the socio-economic context, asymmetric decentralisation appears to have been successful in DKI Jakarta, DI Yogya, and DI Aceh, but less successful in Papua. The Human Development Index (HDI) by province based on data from the Central Statistics Agency (BPS) for 2022-2023 shows that Papua and West Papua provinces are at the bottom of the list. West Papua Province ranks 33rd with an HDI score of 61.39 (2022), 62.25 (2023), and Papua Province ranks 34th with an HDI score of 72.91 (2022), and 73.55 (2023). Meanwhile, the HDI scores of DKI Jakarta are 81.65 (2022) and 82.46 (2023), DI Yogyakarta is 80.64 (2022) and 81.07 (2023), and the HDI of DI Aceh is 72.80 (2022) and 73.40 (2023) [7]. This data shows a large gap in the study of asymmetric decentralisation in these four regions.

Based on the various descriptions above, the author is then interested in conducting an assessment and research with the title "Asymmetric Decentralisation Arrangements in the Implementation of Regional Autonomy in Indonesia".

## 2. Research Methods

This research uses a normative legal method with a focus on literature study of various laws and regulations and legal literature related to the issues raised. This method aims to test applicable norms or provisions through analysis of library materials or secondary data [8]. The approach used includes a statute approach, conceptual approach, and analytical approach. The sources of legal materials consist of primary legal materials, such as laws and regulations, as well as secondary legal materials that serve to support the analysis and understanding of primary materials, including draft regulations, research results, dissertations, theses, journals, papers, and books. The data collection techniques used are documentation or literature studies, as well as interviews. The legal materials obtained were analysed normatively qualitatively, by describing and discussing them based on relevant legal norms or rules. The results of the analysis are presented in the form of narrative text that is systematic, logical and rational. All data collected is connected to one another to create a unified whole in accordance with the subject matter under study.

## 3. Discussion

Asymmetric decentralisation has an important role in the implementation of regional autonomy, in accordance with Herman [9] view of governance that can be understood from several perspectives, such as governance as a subject, organisation, process, and system (Finer, 1949). In this case, governance as a subject emphasises the role of leadership, where the quality of government actors reflects the quality of governance in the eyes of the public.

In Indonesia, asymmetrical decentralisation is implemented to respect regional privileges and specificities, as stipulated in Articles 18A and 18B of the 1945 Constitution. Article 18B paragraph (1) affirms that the state recognises and respects local government units that are special or distinctive. For example, the implementation of asymmetric decentralisation in the Special Region of Yogyakarta (DIY) aims to recognise the region's specialness. This is reflected in Law No. 13/2012, which states that the Ngayogyakarta Hadiningrat Sultanate and the Pakualaman Duchy have had territories, governments, and populations prior to the formation of the Unitary State of the Republic of Indonesia, and have contributed greatly to maintaining the integrity of the country.

The privileges of DIY are further regulated in Article 1 paragraph (1) of the law, which stipulates that DIY is a province with privileges in governance within the framework of the Republic of Indonesia. This privilege, as explained in Article 1 paragraph (2), includes a legal position based on history and the right of origin that makes DIY to regulate and manage its special authority, as stipulated in the 1945 Constitution [10].

Asymmetric decentralisation in Indonesia is also applied to respect the specialness of Jakarta as the nation's capital. Law No. 13/2012 stipulates that these privileges are granted due to Jakarta's status as

the centre of government. The special treatment includes the elimination of local elections for the position of Regent or Mayor, which are replaced by appointments by the Governor, as well as the absence of DPRD's at the district/city level in this region. In addition, the election of the Governor in Jakarta uses a conditional majority system, which requires more than 50 per cent of the vote to determine the winner, in contrast to the simple majority applied in other regions except Yogyakarta (Law No. 29/2007).

Jakarta's speciality also has a strong historical basis. As the centre of major events in the history of Indonesia's struggle for independence, such as the birth of Oetomo [11] the Youth Pledge, and the 1945 Proclamation of Independence, Jakarta has long been a symbol of national struggle. This status was strengthened through Presidential Decree No. 2/1961, which confirmed Jakarta's position as a special region directly under the control of the President. The basis for granting this status includes the aspiration to make Jakarta a national model city, meet international city standards, and strengthen Jakarta's function as the centre of government and unifier of the nation [12]. Furthermore, the basis for this granting is:

1. Jakarta as the capital of the country should be used as an indoctrination, a city of examples and a city of ideals for all Indonesians;
2. As the national capital, the Greater Jakarta area needs to fulfil the minimum requirements of an international city in the shortest possible time;
3. In order to achieve the above objectives, Greater Jakarta must be given a special position as a region directly controlled by the President/the Great Leader of the Revolution.

Furthermore, in addition to the regions of Yogyakarta and Jakarta, the privileges and specificities granted to the province of Aceh are legally recognised through a number of important regulations that reflect its unique position in the Indonesian system of government. The Prime Minister's Decree No. 1/Missi/1959 was the initial foundation that established Aceh's privileges in the fields of religion, customs, and education. Furthermore, Law No. 44/1999 became the first special regulation governing Aceh's privileges, providing special authority in organising religious life, education, adat, as well as the role of ulama in determining regional policies (Qanun) [13].

Further recognition was provided by Law No. 11/2006 on the Governing of Aceh (LoGA), which combined the provisions of Law No. 44/1999 and Law No. 18/2001 on Special Autonomy for Aceh. The LoGA gives Aceh the status of a special region as well as a special region, emphasising its position within the framework of national governance. The law is also a result of the peace agreement in the Helsinki Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement (GAM) on 15 August 2005. The agreement was an important step towards reconciliation and sustainable development in Aceh, covering social, educational, economic and political aspects.

Subsequently, specificity was also given to Papua within the framework of decentralisation in Indonesia in response to the aspirations of the Papuan people to develop their cultural identity within the framework of the Unitary State of the Republic of Indonesia (NKRI). This was realised through Law No. 21/2001 on the Implementation of Special Autonomy for Papua Province. This policy aims to reduce the gap between Papua and other provinces and provide opportunities for indigenous Papuans to play an active role as subjects and objects of development in the region [14].

Just as Yogyakarta's privileges integrate customary values into government, Papua's specificities include formal recognition of customary rights, ulayat rights, and the role of government synergised within the framework of special autonomy. The Papua Provincial Government supports the existence of customary law mechanisms within the community while providing a positive legal basis to maintain security and order. This approach allows for the harmonious integration of customary and formal legal systems in Papuan governance.

Another reason for the importance of asymmetric decentralisation, particularly through the special autonomy policy, is that it has an important political dimension in maintaining regional integration, especially in Aceh and Papua. It opens a space for dialogue between the central and local governments to discuss complex issues and find solutions together. In Aceh, special autonomy regulated through Law

No. 11/2006 is a strategic step in addressing conflict, while giving Aceh the freedom to implement Islamic law in various aspects of life. This not only strengthens Aceh's cultural and religious identity but also maintains the integrity of the Republic of Indonesia [15, 16].

Meanwhile, special autonomy in Papua has different characteristics. This policy is not the result of a collective agreement, but rather a step from the central government to reduce the conflict that occurred in the region. If Aceh's special autonomy was a follow-up to the peace process, Papua's special autonomy was designed as a gradual and targeted conflict resolution effort [14].

According to PLOD UGM research, the design of asymmetric decentralisation in Indonesia can be grouped into five models based on the factors underlying the distinctiveness of each region [17]. First, asymmetrism based on political peculiarities, especially related to the history of prolonged conflicts, such as those in Aceh and Papua. The special autonomy policies for these two regions were designed as a response to the political dynamics and historical conflicts in the region. Second, asymmetrism based on sociocultural distinctiveness, i.e. respect for local customs and traditions. The Special Region of Yogyakarta is an example of this model, where traditional values and a palace-based governance system are recognised within a modern government structure. Third, asymmetrism based on geographical-strategic features, namely regions with geopolitically important positions or as state borders, such as West Kalimantan, Papua and Riau Islands. These regions receive special attention to maintain national integration and state sovereignty. Fourth, asymmetrism is based on economic potential and regional growth. Some regions such as Papua, Aceh, West Kalimantan, Batam, and Jakarta receive attention based on their strategic role in the national economy. Fifth, asymmetrism based on the level of development acceleration and governance capacity (governability). This model is seen in Papua, where policies are designed to accelerate development and strengthen governance in a region that faces major challenges in this aspect.

These five models form the main framework for the implementation of asymmetric decentralisation in Indonesia, reflecting efforts to tailor policies to the unique needs and characteristics of each region. Asymmetric decentralisation in Indonesia is regulated through laws that grant specificity to certain regions, both in terms of authority and local management, which includes resources, culture, and customary law. Each asymmetric region is unique, reflecting its local needs and characteristics.

The province of DKI Jakarta, for example, has special powers that are regulated in Law No. 29/2007. The provincial government is authorised to regulate various areas such as spatial planning, natural resources, environment, population control, transport, industry, trade, and tourism. The Jakarta government functions as a form of sole autonomy at the provincial level, with the exception of matters that fall under central authority, such as foreign policy, defence and fiscal matters.

Meanwhile, the Special Region of Yogyakarta (DIY) obtained special privileges based on Law No. 13/2012. These privileges include procedures for filling the positions of governor and deputy governor, institutions, culture, land, and spatial planning, all of which are based on local wisdom and the aspirations of the people of DIY. As part of its speciality, DIY has unique legal instruments such as Special Regional Regulations (Perdais), which are different from ordinary regional regulations. Perdais reflect respect for local values, norms and traditions that are implemented by considering community input.

In Aceh, as part of the implementation of the privileges stipulated in the Law on the Governing of Aceh, there are several authorities that include the implementation of religious life, especially in terms of the implementation of Islamic law, which is carried out while maintaining inter-religious harmony. In addition, Aceh also has the authority to organise customary life based on Islam, organise quality education by adding local content material in accordance with Islamic law, and provide the role of ulama in policy making. In addition, Aceh also has the authority to organise the hajj pilgrimage in accordance with applicable regulations. In terms of local elections, the Law on the Governing of Aceh allows for the formation of local political parties that can contest local elections, provided that the candidates understand Islamic law.

Meanwhile, asymmetric decentralisation in Papua gives greater authority to the provincial government to manage its internal affairs, especially in utilising natural resources for the welfare of the Papuan people. This decentralisation also provides space for the empowerment of Papua's economic, social and cultural potential, and ensures the involvement of indigenous Papuans in regional policy-making and development planning. All of this is done while respecting the diversity and equality that exists in the region. Both provinces have special policies designed to accommodate local uniqueness and needs, strengthen regional autonomy, and support more inclusive and sustainable development.

The regulation of the authority of regions with privileges and specialities aims to maintain national unity and encourage regional development that requires special attention. The asymmetric decentralisation design implemented in Indonesia can be mapped into five main models, each of which is based on regional characteristics. The first model focuses on politically distinctive regions, particularly those with a long history of conflict, such as Aceh and Papua. The second model is based on socio-cultural distinctiveness, which is seen in DI Yogyakarta with its Sultanate identity. The third model relates to customary territories, represented by Papua as a region with customary specificities. The fourth model focuses on the nation's capital and history, Jakarta, which is privileged because of its position as the centre of government. The last model is based on religious values and customs, which includes Aceh with its Islamic sharia and customary institutions. All these models reflect decentralisation adapted to take into account local needs and privileges within the framework of the Unitary State of the Republic of Indonesia.

The ideal concept of asymmetric decentralisation should include two main points. First, standard criteria are needed in the Local Government Law (UU Pemda) to clearly define the conditions that allow asymmetric decentralisation to be implemented in a region. For example, the Local Government Law regulates the conditions for the expansion and merger of regions, such as provinces, districts or cities, in Articles 33 to 47, which should also apply to asymmetric decentralisation. This is important so that asymmetric decentralisation in regions with specificities such as DKI Jakarta, DI Yogyakarta, Aceh, Papua, and Batam City remains in line with the spirit of the Local Government Law and does not run apart from the main objectives contained in the legislation.

The standard criteria for asymmetric decentralisation can refer to several factors. Firstly, political reasons such as separatism conflicts and concerns over regional disintegration. Second, the status as the capital city of the country, which is fundamental in the application of asymmetric decentralisation. Third, historical and cultural reasons, such as those that apply in DI Yogyakarta, which receives special treatment due to its role in the independence struggle. Fourth, border reasons, which according to the JPP Team study [18] require special attention due to their role as borders with neighbouring countries. Fifth, economic development centres, where regions with high economic potential should be developed to improve their competitiveness. With clear arrangements, asymmetrical decentralisation can work in accordance with the desired goal of enhancing regional development while maintaining national unity.

The standard criteria for asymmetric decentralisation in the Local Government Law are indicated in the following Table 1.

**Table 1.**

The concept of asymmetric decentralisation standard criteria in the Local Government Law.

No.	Default Criteria	Regional
1	Separatist conflicts and threats of regional disintegration	Papua, Aceh, Maluku
2	National Capital	Jakarta, Penajam Paser Utara, East Kalimantan.
3	History and culture	D.I. Yogyakarta.
4	Border regions with "certain specialities".	Papua, Kalimantan.
5	Economic development centre/Special Economic Zone "with certain criteria"	Batam



The ideal concept of asymmetric decentralisation also includes recognition of regional diversity. In Article 18A paragraph (1) of the 1945 Constitution, the phrase "with due regard to the specificity and diversity of the regions" indicates that the Indonesian constitution requires different arrangements for regions that have their own characteristics and uniqueness. This is further affirmed in Article 18B which recognises and respects special or special regions, as well as customary law communities and their traditional rights, all of which are regulated by law. Thus, the legal politics of decentralisation enshrined in the 1945 Constitution demands the implementation of asymmetric decentralisation, which focuses on the specificity and diversity of regions, as well as the rights of indigenous peoples in accordance with the development and principles of the Unitary State of the Republic of Indonesia [10].

Although Indonesia adheres to the principle of regional autonomy, which gives regions the authority to manage their own affairs, in reality this authority is not fully independent. Article 16 and Article 17 of the Local Government Law show that the central government still has a large role in regulating concurrent government affairs, which should be the authority of the regions. This shows an imbalance in the granting of regional autonomy, where the centre is still involved in many aspects of regional government [19].

Asymmetric decentralisation plays an important role in improving welfare and social justice, but to achieve this optimally, there is a need to strengthen institutional capacity, effective monitoring systems, and adequate information disclosure. In its implementation, it is important to apply an adaptive and contextual approach, where policies are not only adapted to regional characteristics, but also able to adjust to the evolving social, economic, and political dynamics. Flexibility in decentralisation policy is needed to overcome the challenges that arise, both in the context of local governance and in the relationship between central and local governments. In addition, the active participation of communities and non-governmental organisations in decision-making is essential so that the policies implemented reflect the needs and aspirations of local communities.

Asymmetric decentralisation plays a major role in managing Indonesia's diversity and strengthening national integration. The success of this policy depends on the government's ability to design a robust institutional framework, overcome fragmentation, and ensure adequate accountability and capacity at the local level. This is an absolute requirement to ensure that decentralisation is effective and has a positive impact on sustainable development. In the relationship between the centre and the regions, asymmetric decentralisation serves to accommodate regional diversity, reduce inter-regional development disparities, prevent disintegration, and address geographical and infrastructural challenges that may hinder sustainable development.

#### 4. Conclusions

Asymmetric decentralisation is important in the implementation of regional autonomy in Indonesia because it respects the privileges and specificities of regions as stipulated in Articles 18A and 18B of the 1945 Constitution, and to prevent regional disintegration. Privileges in the Special Regions of Yogyakarta and Aceh, while specialties in Jakarta and Papua. Controlling conflict and maintaining territorial integrity as in Aceh and Papua.

The form of asymmetrical decentralisation in Indonesia is in the form of a law. This arrangement not only distinguishes it from symmetrical regions, but also from asymmetrical regions. Each asymmetric region has a speciality or specificity that distinguishes it from other asymmetric regions. Each asymmetrical region is given different authority according to local needs, including resource management, culture, and customary law. This arrangement aims to maintain national unity and encourage regional development that requires special attention.

The ideal concept is to regulate asymmetric decentralisation in two forms; first, to create standard criteria for asymmetric decentralisation in the Local Government Law so that there is a clear measure or criteria in determining asymmetric decentralisation in a region. Second, establish regional/regional diversity based on the pattern of relations between the Centre and Regions, cultural characteristics, diversity management, improvement of development inequality, and addressing geographical and

infrastructure challenges to support sustainable development. Accommodate regional diversity, improve development inequality between regions, prevent disintegration and maintain the integrity of the country, overcome geographical challenges and infrastructure limitations.

### Transparency:

The authors confirm that the manuscript is an honest, accurate, and transparent account of the study; that no vital features of the study have been omitted; and that any discrepancies from the study as planned have been explained. This study followed all ethical practices during writing.

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