

Asymmetric Regional Development as a Framework for Achieving Spatial and Regional Justice in Indonesia

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Abstract

Indonesia continues to experience persistent territorial disparities as a result of the long-standing application of symmetric decentralization, under which uniform administrative standards are imposed on regions with fundamentally different structural capacities. This approach has contributed to chronic governance underperformance and spatial injustice. The resulting mismatch between regional heterogeneity and policy uniformity underscores the need for a conceptual reorientation grounded in normative theories of justice and constitutional principles. This article aims to develop a coherent framework for asymmetric regional development capable of addressing structural inequalities while remaining consistent with the constitutional architecture of the Unitary State. Using a normative legal research approach that combines statutory analysis with case studies of Aceh, Papua, and Yogyakarta, this study investigates how asymmetric arrangements can be operationalized as both legally legitimate and philosophically justified governance models. The article presents four key contributions: first, it reconceptualizes asymmetric regional development as an ethical and constitutional imperative, grounded in Rawlsian distributive justice, Sen's capability approach, and contemporary spatial justice theory; second, it highlights the policy pitfalls of symmetric decentralization through a critical assessment of historical and empirical evidence, including failures in regions such as Malaka; third, it introduces the Regional Inclusion Feasibility Index (IKPD) as a juridical and technocratic innovation, providing objective, multidimensional criteria for regional expansion; and fourth, it situates Indonesia's asymmetric model within global comparative practices, demonstrating its alignment with principles of proportional autonomy and contextual justice. Collectively, these contributions position asymmetric regional development as a viable pathway toward equitable and sustainable territorial governance in Indonesia.

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Introduction

Indonesia's constitutional and socio-spatial layout, throughout its more than 17,000 islands, significant interregional variance and uneven state capacity initiates a tension between the rhetoric of decentralization and realities of territorial inequality.¹ Despite successive waves of regional expansion since the post-reform era, the structural gap between well-developed regions and peripheral areas remains largely unaddressed.² Symmetrical deconcentration with "equal treatment" of by nature unequal regions has led to asymmetrical results: Difficulties in the framework of low fiscal capacity, insufficient administrative preparedness, and complicated socio-cultural life surround persist to implement necessary public functions and seek economic independence. However, this prolonged gap between the policy logic and regional variety necessitates a conceptual reflection beyond administrative discourses.³ This long-standing mismatch between policy design and regional heterogeneity requires a conceptual re-examination beyond administrative narratives.⁴

At its core, symmetric decentralization assumes that uniform delegation of authority will create uniform progress.⁵ However, Indonesia's empirical experience tells a different story. The Ministry of Home Affairs, Bappenas, and BPKP reports show that a high percentage of new DOBs do not meet minimum governance standards and are very dependent on central government transfers.⁶ This persistent failure indicates not merely technical bottlenecks but a deeper conceptual limitation within the dominant decentralization paradigm.⁷ A more theoretically grounded explanation is necessary to understand why uniform decentralization in a highly diverse archipelagic state consistently produces unequal outcomes.⁸

Existing scholarship on regional expansion and decentralization in Indonesia has predominantly concentrated on assessing administrative performance and identifying regulatory shortcomings, yet it has not addressed the deeper conceptual deficiencies that

¹ Mutria Farhaeni and Sri Martini, "Pentingnya Pendidikan Nilai-Nilai Budaya Dalam Mempertahankan Warisan Budaya Lokal Di Indonesia," *JURNAL ILMU SOSIAL dan ILMU POLITIK* 3, no. 2 (December 2023), <https://doi.org/10.30742/juispol.v3i2.3483>.

² Andreas Ladner, Nicolas Keuffer, and Alexander Bastianen, "Local Autonomy around the World: The Updated and Extended Local Autonomy Index (LAI 2.0)," *Regional & Federal Studies* 35, no. 2 (March 2025): 163–85, <https://doi.org/10.1080/13597566.2023.2267990>.

³ Maximilian A. Richter et al., "Smart Cities, Urban Mobility and Autonomous Vehicles: How Different Cities Needs Different Sustainable Investment Strategies," *Technological Forecasting and Social Change* 184 (November 2022): 121857, <https://doi.org/10.1016/j.techfore.2022.121857>.

⁴ Arwani Ahmad, "Pelaksanaan Desentralisasi Asimteris Di Bidang Ekonomi Dalam Perspektif Negara Hukum," *Rewang Rencang : Jurnal Hukum Lex Generalis* 5, no. 10 (2024).

⁵ Nora Lelyana and Aris Sarjito, "Dampak Pemekaran Daerah terhadap Pertahanan Negara: Studi Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah," *Jurnal Terapan Pemerintahan Minangkabau* 4, no. 1 (2024).

⁶ Rahmat Nur Rafi and Fefri Indra Arza, "Analisis Flypaper Effect pada Pengaruh Pendapatan Asli Daerah (PAD), Dana Alokasi Umum (DAU), Dana Alokasi Khusus (DAK), dan Sisa Lebih Pembiayaan Anggaran (SiLPA) terhadap Belanja Daerah: Studi Empiris pada Pemerintah Kabupaten/Kota se Provinsi Sumatera," *JURNAL EKSPLORASI AKUNTANSI* 5, no. 1 (February 2023): 411–27, <https://doi.org/10.24036/jea.v5i1.649>.

⁷ Sariul Fadilah and R. Zainul Mushthofa, "Pasang Surut Otonomi Daerah dalam Kerangka NKRI," *JOSH: Journal of Sharia* 2, no. 02 (June 2023): 141–53, <https://doi.org/10.55352/josh.v2i2.538>.

⁸ Firdaus Arifin, "Analisis Terhadap Kebijakan Pemerintah Dalam Mengatur Urusan Pemerintahan Daerah Di Era Desentralisasi Asimetris," *PROGRESIF: Jurnal Hukum XVIII*, no. 2 (2024).

underlie persistent territorial inequalities.⁹ Nasir and Syahuri (2023), for instance, provide an important legal analysis of the formation of new provinces in Papua, showing that regional autonomy is often enacted through political-administrative considerations rather than through a justice-oriented evaluation of structural disparities.¹⁰ Firdaus Arifin (2024) similarly critiques the central government's policies in regulating local government affairs under asymmetric decentralization; however, his analysis remains largely focused on statutory coherence and does not examine the normative foundations that justify differentiated autonomy.¹¹ In a more conceptual direction, Fauzan (2023) advances the idea of "selective broad autonomy" as a doctrinal basis for asymmetric decentralization within a unitary state, yet his contribution stops short of operationalizing how such autonomy should guide regional expansion decisions or address long-standing spatial injustice.¹² Collectively, these studies contribute to the discourse by elucidating the administrative, regulatory, and doctrinal aspects of decentralization; however, they do not explain why symmetric decentralization systematically fails in unequal regions, nor do they establish a normative-constitutional framework to justify and guide the design of a principled asymmetric regional development model. Consequently, the existing literature has yet to bridge the gap between descriptive analyses of decentralization practices and the need for a justice-based theoretical foundation capable of reorienting Indonesia's regional expansion policy toward addressing entrenched spatial and structural inequalities.

An analysis of the literature reveals now an integrative model between constitutional principles, theories of justice and territorial governance. Even though uneven configurations in Aceh, Papua and Yogyakarta have been well researched, scholars tend to consider these arrangements as political exceptions rather than as theoretical pilots of achieving spatial justice. Thus, to this day the debate on regional expansion continues to be dominated by bureaucratic and administrative-legalistic arguments and is not sufficiently supported by a political philosophy rationale on differentiated treatment among territories. This discrepancy is even more pronounced when viewed from the perspective of distributive justice.

This gap becomes particularly evident when considered through the lens of distributive justice. Rawls's difference principle holds that inequalities are justified only if they benefit the least advantaged—a perspective that stands in direct contrast to Indonesia's

⁹ Moh. Fadhil et al., "Navigating the Tensions Between Sharia and Human Rights in Regional Legislation," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (December 2024): 406–31, <https://doi.org/10.18860/j-fsh.v16i2.29031>; Sukardi Sukardi and Dodi Jaya Wardana, "Does the Government Have the Authority to Annul Regional Regulations?," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (August 2024): 263–76, <https://doi.org/10.22219/ljih.v32i2.35027>; Liberthin Palullungan, Lisma Lumentut, and Zainal Amin Ayub, "Reconstruction of The Vice Regent's Position in Optimization of Regional Autonomy: Realizing Democratic and Justice Values," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 2 (August 2023), <https://doi.org/10.29303/ius.v11i2.1235>.

¹⁰ Tomi Khoyron Nasir and Taufiqurrohman Syahuri, "Kajian Hukum Otonomi Daerah Terhadap Pemekaran Empat Provinsi Baru Di Papua," *Journal Evidence Of Law* 2, no. 3 (December 2023): 240–48, <https://doi.org/10.59066/jel.v2i3.562>.

¹¹ Firdaus Arifin, "Analisis Terhadap Kebijakan Pemerintah Dalam Mengatur Urusan Pemerintahan Daerah Di Era Desentralisasi Asimetris," *Progresif Jurnal Hukum* 18, no. 2 (2024): 208–35.

¹² Muhammad Fauzan and Riris Ardhanariswai, "Asymmetric Decentralization with Selective Broad Autonomy in the State Administration System," *Corporate Law and Governance Review* 5, no. 2 (2023): 8–18, <https://doi.org/10.22495/clgrv5i2p1>.

uniform decentralization practices, which often leave disadvantaged regions further behind.¹³ Similarly, Amartya Sen's capability approach highlights the importance of expanding substantive freedoms, implying that regions with limited fiscal and institutional capacity require differentiated support to attain equitable developmental opportunities.¹⁴ Spatial justice theorists such as Soja also argue that geographically unequal communities require unequal interventions to achieve equity. Despite the clear relevance of these frameworks, current Indonesian decentralization literature rarely grounds regional expansion debates in normative theories of justice.

The lack of a clear philosophical foundation undermines the conceptual authority of "regional justice" in policy discourse. Without anchoring the concept in established theories of justice, it risks being reduced to a rhetorical device rather than serving as a normative imperative. This article therefore contends that territorial differentiation—implemented through an asymmetric regional development framework—should be understood not as a deviation from the principle of the unitary state, but as an ethical necessity grounded in distributive justice and constitutional legitimacy. In this sense, asymmetry is not only administratively advantageous but also philosophically required.

Furthermore, existing literature has not adequately addressed the need for an evaluative framework to operationalize asymmetric development within Indonesia's legal system. Current mechanisms for regional expansion rely primarily on administrative checklists rather than on multidimensional assessments of regional readiness, capacity, or developmental need. To date, no study has proposed a systematic feasibility index that integrates fiscal indicators, institutional capacity, territorial accessibility, and sociocultural factors. The absence of such a tool contributes to politically driven expansions that undermine the intended objectives of decentralization.

Against this backdrop, this article contributes to the ongoing discourse by: (1) critiquing the theoretical and practical limitations of symmetric decentralization; (2) providing a normative-philosophical justification for asymmetric regional development grounded in distributive, capability-based, and spatial justice theories; and (3) proposing the Regional Inclusion Feasibility Index (IKPD) as a technocratic tool to guide future regional expansion. By situating asymmetric development within Indonesia's constitutional framework, this study aims to reconceptualize regional expansion as a model of justice-oriented governance capable of addressing structural territorial inequalities in a sustainable and constitutionally coherent manner.

Problem Statement

An integrated and justice-based regional development policy in Indonesia not only needs administrative streamlining, but must also re-evaluate the philosophical and normative basis of the concept of regional autonomy. This uniform (or symmetric) paradigm of regional expansion reflects the common starting point assumption, yet it ignores deep

¹³ Tessa Talitha, Tommy Firman, and Delik Hudalah, "Welcoming Two Decades of Decentralization in Indonesia: A Regional Development Perspective," *Territory, Politics, Governance* 8, no. 5 (October 2020): 690–708, <https://doi.org/10.1080/21622671.2019.1601595>.

¹⁴ Pablo Garcés Velástegui, "Humanizing Development: Taking Stock of Amartya Sen's Capability Approach," *Problemas Del Desarrollo. Revista Latinoamericana de Economía* 51, no. 203 (September 2020), <https://doi.org/10.22201/iiec.20078951e.2020.203.69586>.

rooted heterogeneities in socio-economic capacities, spatial barriers (terrestrial), institutional readiness and historical inequalities of Indonesian regions. This homogeneity is symptomatic of a doctrinal and methodological blind spot: an ignorance of the fact that what treats as equals, unequals entrenches unequality; a principle which is contrary to the ethics of distributive justice, capability enhancement and spacial equity. However, the resulting policy-making is still based on short-term political motivations rather than on sound evidence of - in which regions administrative reform may genuinely be needed to improve public service delivery and governance performance. The deficiency of an organized land list, based on empirical, geographic, socio-economic and legal analysis, allows regional expansion to be subject to political control. Moreover, there are no multidimensional screening indicators (encompassing fiscal capacity, institutional capability and territorial accessibility or alignment with national development priorities) that allow for an objective assessment of regional feasibility. To do this, we examine three intersecting structural problems: (1) the conceptual and normative vacuum that results in a lack of an asymmetric framework underpinning regional expansion policy; (2) the absence of a scientifically validated inventory that can explain which regions are substantively capable developing; and (3) the limitation on comprehensive quantitative justice-based indicators to guide decision-making in Indonesia's regional expansion regime.

Methods

This study employs a normative legal research methodology, which emphasizes the analysis of legal norms, principles, and statutory regulations relevant to the phenomenon of asymmetric regional expansion in the context of Indonesia.¹⁵ This methodological approach was selected due to its capacity to furnish a comprehensive comprehension of the legal framework that regulates regional autonomy and decentralization within the framework of attaining regional justice. To augment the contextual understanding, the investigation employs two methodologies: the statutory approach and the case study approach.¹⁶ The legislative review was conducted by comprehensively studying the relevant statutory regulations at the national and local level, such as Constitution 1945 of Indonesia, Law number 23 of 2014 on The Regional Government, also Act No.11/2006 on Aceh Governance and Act No.21/2001 on Papua Special Autonomy, as amended by Law Number 2 of 2021 concerning Special Autonomy in Papua. In analysing these provisions, it seeks to disentangle the normative underpinnings, to underscore their lacings and to explore whether they could facilitate a kind of asymmetrical regional development. In parallel, a case study approach was employed to assess the practical application of asymmetric arrangements within Indonesia's local government framework.¹⁷ Studies were performed in provinces and special districts that have undergone prominent types of intervention including Aceh Province, Papua Province, and the Yogyakarta Special Region, to examine the impact of irregular arrangements on equity and effectiveness in governance. Through cross-case synthesis, this study attempts to contribute a normative and conceptual basis for addressing regional disparities, and more coherent policy on

¹⁵ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Rajawali Press, 2012).

¹⁶ Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)* (Jakarta: Rajawali Press, 2009).

¹⁷ Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

regional development. The findings are anticipated to facilitate the advancement of a more just and adaptable legal structure that addresses the varied regional requirements present in Indonesia.¹⁸

Conceptual and Normative Framework for Asymmetrical Regional Expansion and Discharge Determination

1. Regional expansion is not carried out in a symmetrical perspective

Regional development functions as a key instrument within Indonesia's decentralization policy, aimed at bringing public services closer to communities, increasing local participation, and accelerating the equalization of development across regions. In practice, however, regional expansion in Indonesia has often been implemented in a uniform or symmetrical manner, failing to adequately account for the heterogeneity of regional capacities, geographical conditions, social dynamics, and the fiscal and institutional readiness of the respective regions. This standardized methodology engenders new disparities and fiscal liabilities for the state, as numerous regions are incapable of fulfilling the minimum criteria for basic services and are disproportionately dependent on financial transfers from the central government.¹⁹

Normatively, the foundational legal basis for regional expansion is set out in Article 18, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which provides that "the regional governments of provinces, regencies, and municipalities shall regulate and administer their own governmental affairs in accordance with the principles of autonomy and co-administration."²⁰ Additionally, Law number. 23 of 2014 pertaining to Local Government delineates with precision the criteria and procedures for the establishment of new administrative regions.²¹ Articles 33 and 34 of the aforementioned legislation explicitly stipulate that the establishment of a designated region must be based on administrative, technical, and physical criteria, and must be preceded by a preparatory phase and an evaluative process. However, in reality, these conditions are often disregarded or politically exploited to serve parochial interests at both the local and national levels. The next subsection gives a brief summary of the changes and progresses on regional development frameworks in Indonesia.

¹⁸ Muhammad Fauzan and Riris Ardhanariswai, "Asymmetric Decentralization with Selective Broad Autonomy in the State Administration System," *Corporate Law and Governance Review* 5, no. 2 (2023): 8–18, <https://doi.org/10.22495/clgrv5i2p1>.

¹⁹ Dani Melmambessy, "Analisis Kinerja Keuangan Pemerintah Kota Jayapura Ditinjau Dari Rasio Kemandirian Daerah, Ketergantungan Daerah, Desentralisasi Fiskal Dan Efektivitas," *Jurnal Ekonomi dan Bisnis* 13, no. 2 (January 31, 2022): 10–15, <https://doi.org/10.55049/jeb.v13i2.90>.

²⁰ Mirza Nasution and Geofani Milthree Saragih, *Hukum Tata Negara Indonesia (Suatu Pengantar Dasar)* (Jakarta: Kencana, 2024).

²¹ Ni'Matul Huda, *Hukum Pemerintahan Desa Dalam Konstitusi Indonesia Sejak Kemerdekaan Hingga Era Reformasi* (Malang: Intrans Publishing, 2015).

Table 1. *Electronic Media Role as Information Media*

Period	Legal Basis	Arrangement Characteristics
Early Era of Independence (1945–1949)	1945 Constitution (before amendment) Law No. 1 of 1945	Centralized. The national government exhibited a predominant influence. There exist no formal stipulations for transparency.
RIS Country (1949–1950)	Constitution RIS 1949 Emergency Law No. 44 of 1950	Federal system. Regions as RIS states.
Led Democracy and the Old Order (1950–1965)	UUDS 1950 UU No. 1 of 1957 on Trees of District Government	Centralistic. The distribution is determined entirely by the center.
New Order (1966–1998)	UUD 1945 (original manuscript) Law No. 5 of 1974 on Government Trees in the District	Centralization is strong. The distribution is limited and selective, the central role is dominant.

Source: Primary Data Processed in 2025

The historical trajectory of Indonesia’s regional formation reveals a persistent structural pattern in which central authority has shaped, constrained, and ultimately reproduced territorial inequalities. During the early independence period, a highly centralized administrative model was institutionalized, limiting the development of regional capacity and creating a path dependency that subsequent decentralization policies have struggled to overcome. The short-lived federal experiment as defined under the RIS Constitution briefly recognized territorial diversity, but its sudden abrogation further consolidated a unitary administrative imagination that conflated homogeneity with national solidarity. Even under New Order guided regionalization the decentralization was subjugated to central political interest and as a result inequalities between the rich and poor regions widened.²² Following the institutional justice and spatial justice theories lens, these historical periods indicate that both constitutional and administrative systems of

²² Muhammad Syaiful Anwar, Maya Ruhtiani, and Rani Hendriana, “Blue Carbon: Integrative Management of Coastal Ecosystems Based on Regional Autonomy,” *Jambe Law Journal* 6, no. 2 (December 2023): 185–204, <https://doi.org/10.22437/jlj.6.2.185-204>; Hartina Hartina, Zamroni Abdussamad, and Nuvazria Achir, “Analysis of the Arrangement of Dress for Women in Sharia Regional Regulations from a Human Rights Perspective,” *Estudiante Law Journal* 7, no. 2 (July 2025): 581–600, <https://doi.org/10.33756/eslaj.v7i2.31524>.

Indonesia have been placing formal unity ahead of substantive equality which suggests a matter for redress in an Asymmetrical Model to solve deep structural injustice.

The chronological shifts presented in the table represent not merely administrative changes, but deeper normative tensions within Indonesia's system of territorial governance.²³ Each phase reflects the state's ongoing effort to balance unity, autonomy, and equality; however, across these periods—despite differing constitutional foundations—there was a consistent failure to embed a justice-oriented rationale for regional differentiation.²⁴ That a centralized logic continues to endure, in other words, across decades suggests that decentralization has been treated merely as an instrument of devolution—of power-sharing—and not as an instrument of remedial justice. Thus, the table reflects a constitutional paradox: although decentralization is constitutionally promulgated, its substance remains structurally symmetric and disregard for disparate requirements of an archipelagic and multi-ethnic state. This historical perspective reinforces the need to understand asymmetry not as a political anomaly, but as a normative response to accumulated structural injustices.

From the early years of independence to the contemporary period, Indonesia's policy on regional expansion has undergone significant evolution, in parallel with changes in the system of government and the dynamics of national politics. During the Early Independence period (1945–1949), territorial arrangements remained highly centralized, marked by the predominance of central authority and the absence of clear regulatory frameworks governing territorial organization and the distribution of authority.²⁵ When Indonesia adopted the Republic of the United States of Indonesia (RIS) structure (1949–1950), a federal system was introduced that divided the territory into several constituent states; however, this arrangement proved to be short-lived.²⁶ During the period of Guided Democracy and the Old Order (1950–1965), a centralized framework was once again adopted, with regional arrangements determined by the central government pursuant to Law No. 1 of 1957.²⁷ This centralized paradigm persisted until the New Order period (1966–1998), during which regional development was carried out in a highly constrained and selective manner, with extensive oversight by the central government pursuant to Law No. 5 of 1974.

Significant transformations occurred during the Early Reform period (1999–2004), marked by amendments to the 1945 Constitution and the enactment of Law No. 22 of 1999, which opened broad opportunities for decentralization. As a result, the number of

²³ Ahmad, "Analysis of Abuse of Authority by Government Apparatus in the State Administrative Legal System," *International Journal of Constitutional and Administrative Law* 1, no. 1 (2025): 69–83.

²⁴ Rizal Irvan Amin and Isharyanto Isharyanto, "Asymmetrical Sequential Decentralization: Resetting the Paradigm of Regional Autonomy," *Journal of Governance and Regulation* 11, no. 4 (2022): 24–32, <https://doi.org/10.22495/jgrv11i4art3>.

²⁵ St Hadijah Wahid et al., "Transformasi Konstitusi Indonesia: Dari Kemerdekaan Hingga Era Reformasi," *Journal of Multidisciplinary Inquiry in Science Technology and Educational Research* 2, no. 1b (2025).

²⁶ Nikita S. Kuklin, "Rethinking the Globalization through the Lens of Indonesian Traditional Political Culture," *RUDN Journal of World History* 15, no. 2 (June 2023): 126–36, <https://doi.org/10.22363/2312-8127-2023-15-2-126-136>.

²⁷ Syaifudin Zuhri, "Regimented Islamophobia: Islam, State, and Governmentality in Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 2 (December 2021): 387, <https://doi.org/10.21043/qijis.v9i2.8249>.

new autonomous regions (Daerah Otonom Baru/DOB) increased substantially, although many were inadequately prepared in both administrative and fiscal terms. In response, the government introduced a phase of Controlled Decentralization (2004–2014) through Law No. 32 of 2004, which emphasized the evaluation and restructuring of territorial arrangements.²⁸

Since the year 2014, the governmental authority instituted a policy of moratorium pertaining to the expansion of territories via the enforcement of Law number 23 of 2014.²⁹ This period is commonly referred to as the New Strict Autonomous Region Arrangement phase, characterized by tighter restrictions on regional expansion and the application of more rigorous eligibility criteria. The primary focus of this phase is to strengthen existing regional capacities in order to foster more effective and efficient local governance.

This standardized methodology in the allocation of resources is manifest in the occurrence of a significant increase in the establishment of new autonomous regions during the temporal frame of 1999 to 2009.³⁰ Regrettably, assessments conducted by Bappenas and state administrative institutions indicate that a substantial proportion of regions created through territorial expansion have failed to achieve fiscal autonomy and have experienced developmental stagnation. A salient example is Malaka Regency in East Nusa Tenggara Province, which was established following its separation from Belu Regency in 2012.³¹ Notwithstanding its stated objective of accelerating development and improving public service delivery, a report issued by the CPC in 2019 indicated that the region remained highly dependent on its Regional Budget (APBD), particularly transfers from the General Allocation Fund (DAU). Moreover, improvements in the Human Development Index (IPM) were relatively marginal when compared to the period prior to the expansion.

These conditions indicate that uniform regional expansion, implemented without regard to variations in regional capacity, has generated inefficiencies in local governance structures. Moreover, this homogeneous approach disregards the principle of territorial equity, which holds that state policy should be tailored to the distinct needs, potentials, and constraints of each region. In this context, an asymmetric approach should be prioritized, as it allows the state to provide differentiated treatment to particular regions based on objective conditions and local developmental needs, as recognized in various

²⁸ Novendri M Nggilu et al., “The Absence of Judicial Review on Constitutional Amendments in Indonesia: Urgency and Legal Reform for Constitutional Safeguards,” *Journal of Law and Legal Reform* 6, no. 2 (2025).

²⁹ Nikson Djabu, “Implementasi Otonomi Khusus Kabupaten Nabire dalam Pengelolaan Keuangan,” *Jurnal Hukum Indonesia* 2, no. 4 (October 2023): 208–20, <https://doi.org/10.58344/jhi.v2i4.691>.

³⁰ Aan Zulyanto, “Determinan Pemekaran Wilayah Dan Fragmentasi Pemerintahan Di Indonesia,” *PARETO: Jurnal Ekonomi dan Kebijakan Publik* 5, no. 2 (January 2023): 69, <https://doi.org/10.32663/pareto.v5i2.3434>.

³¹ Jefrianus Tamo Ama, “Tinjauan Yuridis Pemekaran Wilayah Daerah Provinsi Berkaitan Dengan Wacana Pemekaran Provinsi Nusa Tenggara Timur (NTT),” preprint, Zenodo, January 9, 2025, <https://doi.org/10.5281/ZENODO.14620231>.

legal frameworks, including Law No. 11 of 2006 on the Governance of Aceh.³² dan and Act Number 21 of the year 2001 pertaining to the Special Autonomy of Papua.³³

From a normative standpoint, the failure of symmetric regional expansion reflects not merely administrative miscalculation but a deeper philosophical error: the conflation of formal equality with substantive justice. Rawls's difference principle holds that inequalities are justified only insofar as they benefit the least advantaged, implying that regions facing structural deprivation require differentiated—rather than identical—state interventions.³⁴ In parallel, Amartya Sen's capability approach illustrates that an equal distribution of administrative authority is insufficient when regions differ in fiscal capacity, geographical constraints, or sociopolitical vulnerability.³⁵ Theorists of spatial justice argue also that territorially differentiated geographies call for territorially differentiated responses. Seen through this theoretical prism, the different regional development becomes not an exception to constitutional equality, but rather an anticipated continuation of it—a means of augmenting the capabilities of various regions and compensating for spatial injustices that had remained untouched by decades of universal application. Accordingly, asymmetry should be understood as a constitutional instrument for achieving substantive equality, rather than as a deviation from the unitary structure of the Indonesian state.

Consequently, regional expansion should no longer be pursued within a homogeneous and overly formalistic policy framework. Instead, it must be oriented toward an asymmetric, needs-responsive approach that is attuned to specific local contexts. Such an asymmetric policy framework does not contradict the principles of the Unitary State of the Republic of Indonesia; rather, it functions as a constitutional strategy for accommodating diversity and strengthening national integration through the advancement of substantive regional equity.³⁶ Hence, it is imperative to reformulate regional expansion policy by prioritizing data-driven analysis, rigorous fiscal evaluation, and the active participation of local communities, as these elements serve as a corrective to the uniform approach that has proven ineffective and unsustainable.

2. The imperative to conduct a comprehensive assessment of the regions that possess potential for development.

The policy of regional expansion fundamentally seeks to enhance the operational efficacy of governmental institutions, broaden the accessibility of public services for the populace,

³² Dahlan A Rahman et al., "Otonomi Daerah Khusus Aceh: Jembatan menuju Rekonsiliasi atau Sumber Ketegangan Baru," *Jurnal Pemerintahan dan Politik* 9, no. 3 (August 2024): 183–94, <https://doi.org/10.36982/jpg.v9i3.4459>.

³³ Revana Giara Effendy, "Analisis Otonomi Khusus Papua Dalam Perspektif Orang Asli Papua," *Binamulia Hukum* 12, no. 2 (December 2023): 309–22, <https://doi.org/10.37893/jbh.v12i2.436>.

³⁴ Pedro Luis Bracho Fuenmayor, "John Rawls' Theory of Justice from a Perspective of Political Philosophy," *Revista Chilena de Derecho y Ciencia Política* 12, no. 2 (September 2022): 109–32, <https://doi.org/10.7770/rchdcp-V12N2-art2650>.

³⁵ Garcés Velástegui, "Humanizing Development."

³⁶ M Indra, "Indonesia's Plan for Concurrent Regional Expansion," *IOP Conference Series: Earth and Environmental Science* 1181, no. 1 (May 1, 2023): 012020, <https://doi.org/10.1088/175-1315/1181/1/012020>;

and expedite the process of development equalization across various regions.³⁷ However, in practice, implementation often lacks a foundation in careful and comprehensive planning. A considerable number of new autonomous regions (Daerah Otonom Baru/DOB) have been established without an inventory, which objectively, with transparency, and quantitatively measures the viability of a region. Consequently, decentralization has led to fiscally unready organizations and institutions with poor governmental infrastructure and high reliance on transfers from the central government. Consequently, rather than strengthening decentralization, this process has imposed additional burdens on state finances and contributed to stagnation in public service delivery.

A comprehensive regional inventory is crucial to ensuring that such policies move beyond being mere instruments of electoral maneuvering or the preferences of local power brokers³⁸ The inventory should be conducted using a data-driven policy approach, grounded in demographic analysis, fiscal capacity, infrastructural connectivity, human resource quality, and the readiness of governmental institutions.³⁹ One new strategic idea which deserves further discussion is the establishment of an “National Map of Potential New DOB,” a plan consistent with this spatial map, developed by the central government through a series of technocratic observations in association with regional actors. This may serve as a prescriptive guide to recognizing and ranking territories with possible return on investment on immediate, intermediate or later horizon.

As a case in point, in early 2020 the Provincial Government of Papua renewed its proposal to subdivide the province into several new regions, including Central Papua, South Papua, and the Papua Highlands (Central Papua Mountains). After a comprehensive assessment with relevant ministries, the Parliament and local government bodies, Laws No. 14, 15 and 16 of 2022 were passed formalizing three new provinces in Papua. This move is considered a form of expansion based on geographic, cultural and public-service rationales. By contrast, several proposals for the establishment of new autonomous regions (Daerah Otonom Baru/DOB) in other areas—such as parts of Sumatra and Kalimantan—were rejected after failing to meet the required technical and fiscal criteria, as determined through the central government’s comprehensive assessment.

The contrasting outcomes observed in Malaka Regency and the newly established Papuan provinces illustrate the theoretical and normative implications of symmetric versus asymmetric policy design. Malaka’s persistent fiscal dependence and limited administrative capacity exemplify what Sen describes as capability deprivation, in which a region lacks the substantive freedoms required to effectively benefit from decentralization. In contrast to the latter case, the differentiated response in Papua, based on its socialcultural, geographic and history-specific conditions can be considered as an

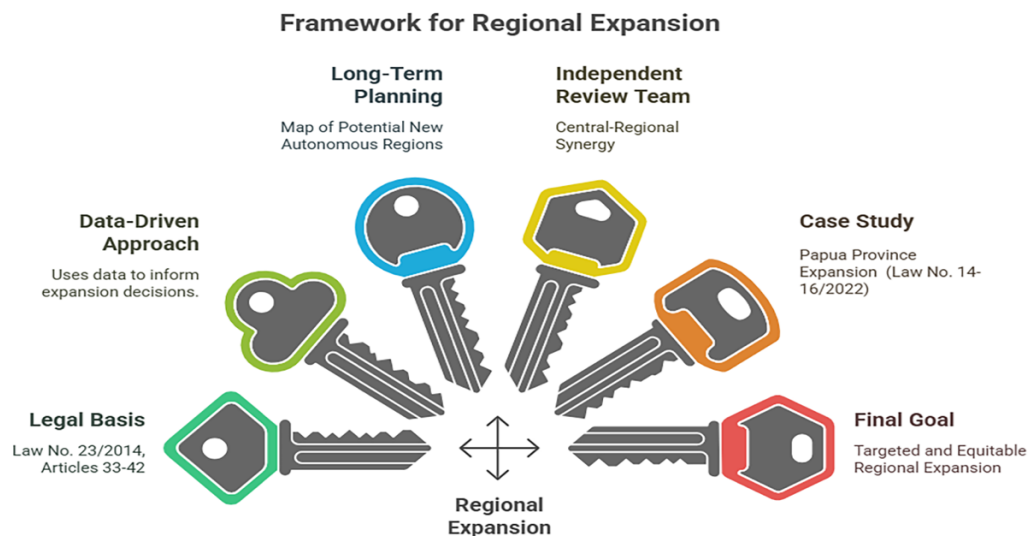
³⁷ Yansui Liu, Cong Schen, and Yurui Li, “Differentiation Regularity of Urban-Rural Equalized Development at Prefecture-Level City in China,” *Journal of Geographical Sciences* 25, no. 9 (September 2015): 1075–88, <https://doi.org/10.1007/s11442-015-1220-9>.

³⁸ Joy Chen, Erik H. Wang, and Xiaoming Zhang, “From Powerholders to Stakeholders: State-building with Elite Compensation in Early Medieval China,” *American Journal of Political Science* 69, no. 2 (April 2025): 607–23, <https://doi.org/10.1111/ajps.12888>.

³⁹ Melmambessy, “Analisis Kinerja Keuangan Pemerintah Kota Jayapura Ditinjau Dari Rasio Kemandirian Daerah, Ketergantungan Daerah, Desentralisasi Fiskal Dan Efektivitas.”

emerging form of contextual justice that corresponds to Rawlsian principles and other, more general spatial justice's understandings. Proof of the above empirical comparisons, we observe that uniform expansion seems to generate structural disadvantages, whereas asymmetrical approaches acknowledge the legitimacy of differentiated conditions as a foundation for equitable outcomes. Accordingly, the case studies substantiate the central claim that asymmetric regional development is not only administratively rational but also normatively required.

Figure 1. Framework for Expansion of New Autonomous Regions



This analysis is grounded in two principal frameworks. For a start, it utilises the statute provided in Articles 33–42 of Law No. 23 of 2014, which articulate the legal framework that governs the process of regional growth. Second, it uses data-driven approaches that such decision-making be grounded in an objective understanding of key drivers—fiscal capacity, geography and climate, demographic composition, human resources and critical infrastructure—and held accountable. The results of the analysis were subsequently used to develop a value map, which serves as a crucial component of long-term strategic planning for the establishment of a New Autonomous Region (Daerah Otonom Baru/DOB). Independent teams work collaboratively with both central and regional authorities to ensure objectivity and fairness throughout the selection process.⁴⁰ As a part of the verification technique, this empirical study equally relies on a case such as legislation applicable to the expansion of Papua Province under Laws No.14 – 16 of 2022 in an attempt to provide reasonable illustration for practical application. In short, the main aim of this exercise will enhance the targeted and equitable local growth that fed inclusive and sustainable development.

⁴⁰ Yijun Liu et al., “Renovation Priorities for Old Residential Districts Based on Resident Satisfaction: An Application of Asymmetric Impact-Performance Analysis in Xi’an, China,” *PLOS ONE* 16, no. 7 (July 2021): e0254372, <https://doi.org/10.1371/journal.pone.0254372>.

Therefore, the identification and classification of regionally viable zones is a prerequisite for designing a robust and stable decentralized governance system. Without such an inventory being made, the devolution process would descend to becoming just another political exercise devoid of the essence of regional self-governing. Central and regional governments should include one another in shared strategies for territorial planning, improving legal frameworks as well as technical tools to measure and plan for legal resources (either linked with extension or by way of law-making the guarantee of tenure will be based on a strong needs assessment from the community's side and a capacity check based on existing capacities at regional level rather than political fear).

3. Comprehensive Determination Indicators Related to the Criteria for Determination of Discharge

One of the principal shortcomings of Indonesia's regional expansion policy is the absence of genuinely comprehensive, measurable, and operational indicators for assessing a region's capacity to develop sustainably. At present, the implementation requirements set out in legislative frameworks—such as Law No. 23 of 2014 on Local Government—remain largely formalistic and administrative in nature, lacking a solid foundation in a multidimensional evaluative methodology.⁴¹ Consequently, many new autonomous regions (Daerah Otonom Baru/DOB) are established not on the basis of rigorous assessments of genuine community needs or regional capacity, but rather as a result of political pressures, locally driven ambitions lacking comprehensive analysis, or the vested interests of particular elites.

The assessment of regional diffusivity indicators requires the incorporation of broader and more substantive dimensions.⁴² Merely quantifying the population size, territorial area, and the political endorsement from the Parliament and regional leaders is insufficient.⁴³ A comprehensive framework of indicators is imperative that can evaluate the viability of a region through fiscal dimensions, the institutional preparedness of governmental entities,⁴⁴ the capabilities of public service delivery, infrastructural connectivity, as well as the potential for local economic development.⁴⁵ It is also important to include cultural and socio-political variables, particularly in areas with a history of inter-ethnic conflict or difficult ethnic composition. By incorporating these multi-sectoral proxy measures, the expansion is more than an administrative act and it is playing into a responsive and sustainable national development framework.

⁴¹ Neneng Sobibatu Rohmah, "Elit Dan Pemekaran Daerah; Konflik Antar Elit Dalam Proses Pembentukan Provinsi Banten," *Jurnal Ilmu Pemerintahan* 4, no. 1 (2018).

⁴² Junze Zhang et al., "Beyond Borders: Assessing Global Sustainability through Interconnected Systems," *Sustainable Development* 33, no. 2 (April 2025): 1909–20, <https://doi.org/10.1002/sd.3218>.

⁴³ Peter Clegg et al., "Parliamentary Representation of Overseas Territories in the Metropolis: A Comparative Analysis," *Commonwealth & Comparative Politics* 60, no. 3 (August 2022): 229–53, <https://doi.org/10.1080/14662043.2022.2065623>.

⁴⁴ I Nyoman Suargita, Yudistira Adnyana, and Ni Luh Putu Suastini, "Analisis Implementasi Kebijakan Permendagri Tentang Pendalaman Tugas Dewan Perwakilan Rakyat Daerah (DPRD)," *Kebijakan: Jurnal Ilmu Administrasi* 14, no. 1 (January 2023): 100–114, <https://doi.org/10.23969/kebijakan.v14i1.6127>.

⁴⁵ Ilonette Abdeh Tabar and Elizelle Juane Cilliers, "Conceptualizing an Informational Paradigm in the Pursuit of Sustainable Cities and Communities," *Rural and Regional Development* 2, no. 1 (2024): 10005–10005, <https://doi.org/10.35534/rrd.2024.10005>.

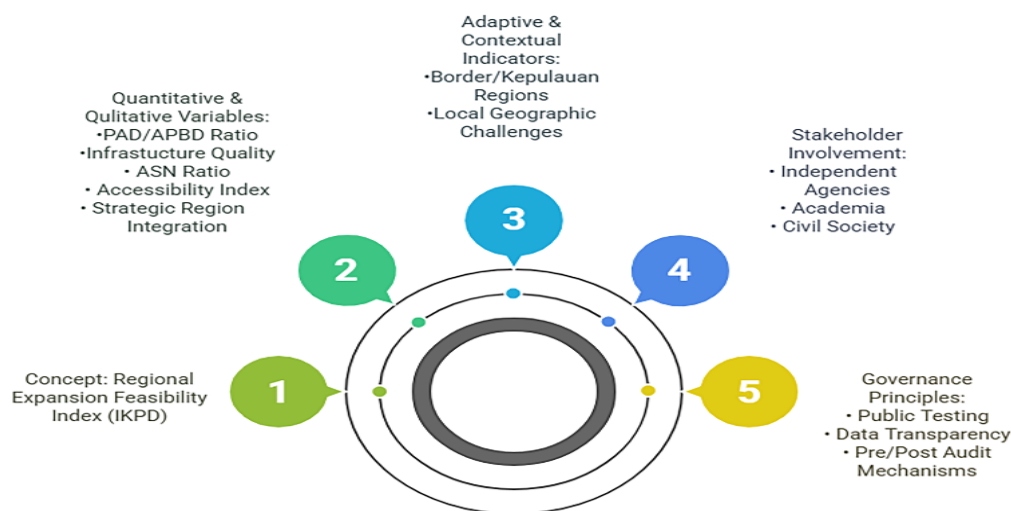
The introduction of the Regional Inclusion Feasibility Index (IKPD) constitutes the most substantive contribution of this study, yet its significance extends beyond a technocratic planning instrument. Conceptually, the IKPD constitutes a juridical innovation that operationalizes constitutional mandates of justice by offering an objective, evidence-based framework for determining which regions warrant asymmetric treatment. Normatively, the IKPD is grounded in Article 18 of the 1945 Constitution and its implementing statutes, which require that regional formation be guided by principles of efficiency, capacity, and equity. These criteria are systematically translated by the IKPD into measurable indicators, including fiscal capacity, institutional readiness, governance performance, and accessibility. Operationally, the IKPD provides a transparent evaluative mechanism that shields regional expansion decisions from political bargaining and repositions them within a constitutional, evidence-based decision-making architecture. In this sense, the IKPD is not merely an administrative instrument, but a normative mechanism for translating principles of substantive equality and spatial justice into concrete regulatory practice.

Moreover, the development of indicators should be adaptable and locally designed given the uniqueness of each geographic region. Peripheral and insular areas—like those in Maluku Province or North Kalimantan—need indicators that are designed to specifically address their unique geographic limitations. This ensures that the process of regional expansion is not inappropriately benchmarked against conditions typical of mainland or highly urbanized regions, such as those on Java Island. Spatial justice can only be achieved when the indicators employed accurately capture local contexts and reflect the region’s specific capacities and developmental potential.⁴⁶

Within this framework, it is equally important to incorporate the contributions of non-governmental organizations, academic institutions, and civil society in the development of these metrics (Sisaye, 2021). Accordingly, territorial expansion should be understood not merely as an exercise in administrative governance, but also as a process that depends on the societal legitimacy of establishing a new governmental entity. Mechanisms for public review, data transparency, and comprehensive policy audits—conducted both before and after implementation—should therefore form integral components of the monitoring and evaluation framework for these reporting metrics.

⁴⁶ Sundaram Aarthi, “Operationalizing Justice in Models Used as Decision-Support Tools in Local and Regional Energy Transition Planning,” paper presented at the 12th International Workshop on Simulation for Energy, Sustainable Development & Environment, *Proceedings of the 12th International Workshop on Simulation for Energy, Sustainable Development & Environment (SESDE 2024)*, 2024, <https://doi.org/10.46354/i3m.2024.sesde.002>.

Figure 2. Concept of feasibility of area expansion



The logic for evaluating the feasibility of territorial expansion based on IDX is covered by the explanation of the concept. And this method will be implemented systematically through IKPD, a legitimate measurement that will put together several determinant aspects in an objective decision. This strategy covers quantitative measures i.e. Regional PAD ratio about to regional budget, infrastructure quality, the population of the State Civil Apparatus (ASN), and indices for accessibility—but also other qualitative factors, adaptive and contextual, related to border areas or island regions and the geographical peculiarities in each location. In addition, the process includes a diversity of stakeholders from independent organisations, academia and the general public to have meaningful participation and to be transparent. The principles of good governance are strengthened through processes of public examination, data transparency and pre- as well as post-process audits. What is more important is that the surrounding area are part of regional growth, resulting in not merely local development but also broader stability and coordinated development between regions.

Using simple, systematic and empirically based indicators can help redirect regional expansion policy towards its main goals: increasing access to public services, increasing local government capacity and fair development. In the absence of clear and measurable indicators, decentralization risks becoming a short-term political exercise with little substantive impact on public welfare.⁴⁷

Comparative experience further affirms the normative and practical viability of asymmetric regional models. Spain’s autonomous communities, for example, institutionalize differentiated fiscal and political powers to accommodate historical and cultural asymmetries, while the United Kingdom’s devolution framework acknowledges constitutional pluralism by granting varying degrees of autonomy to Scotland, Wales, and

⁴⁷ Bram Van Vulpen, “The ‘Right’ Policy for Regional Development: Seeking Spatial Justice in the Dutch Case of the Region Deals,” *European Planning Studies* 31, no. 9 (September 2023): 1823–41, <https://doi.org/10.1080/09654313.2022.2140584>.

Northern Ireland. China's special administrative regions similarly demonstrate how differentiated governance arrangements can coexist within a unitary constitutional order. These models show that asymmetry is neither conceptually anomalous nor constitutionally destabilizing; rather, it reflects a global trend toward accommodating territorial diversity within unified state structures. Viewed through a comparative lens, this experience reinforces the article's argument that Indonesia's pursuit of regional justice requires a principled embrace of asymmetry, supported by robust evaluative mechanisms such as the Regional Development Feasibility Index (IKPD).

Conclusion

Regional expansion constitutes a central element of Indonesia's decentralization policy, aimed at improving access to public services, accelerating development, and promoting regional equity. However, the predominantly uniform and symmetrical application of decentralization has generated a range of structural challenges, largely due to insufficient consideration of the distinct needs and characteristics of individual regions. These challenges encompass financial inequality, declining institutional effectiveness, and the limited capacity of newly established autonomous regions (Daerah Otonom Baru/DOB) to achieve fiscal independence. In response, the concept of asymmetrical regional expansion has gained increasing relevance as a viable alternative for addressing these issues. Asymmetry-based allocation allows the state to apply differentiated treatment to regions based on their geographical conditions, economic capacity, stage of development, and socio-cultural characteristics. This approach is consistent with the principles of distributive justice and the constitutional recognition of diversity within the framework of the Unitary State of the Republic of Indonesia. To ensure that regional development is carried out in a more focused and accountable manner, a national assessment of regions with genuine potential for sustainable growth is essential, supported by the development of comprehensive evaluative indicators. In this context, the establishment of a Regional Development Feasibility Index (Indeks Kelayakan Pembangunan Daerah/IKPD) is recommended. This index should incorporate financial capacity, basic infrastructure, staffing ratios, integration with national strategic zones, and adaptive indicators tailored to the specific conditions of border areas or island regions. The IKPD should be developed by independent institutions operating under the auspices of the central government, with the involvement of academic experts and civil society representatives. By implementing an asymmetrical approach grounded in technocratic indicators and evidence-based evaluation frameworks, regional development can be directed toward policies that are both legally robust and substantively equitable. Ultimately, within the framework of a unitary state, asymmetric integration represents a rational strategy for preserving national cohesion while advancing genuine and sustainable regional equity.

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