

# **Quo Vadis the Legal Politics of New Province Formation: Balancing Political Interests and Accelerating Welfare Achievements**

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## **Abstrak**

This research discusses the dynamics of new province formation in Indonesia from the perspective of political, social, and economic factors. The formation of new provinces aims to enhance public services, strengthen regional identities, and promote local economic growth. However, this process also presents challenges, such as the potential for social conflict, resource allocation issues, and difficulties in governance management. Political factors, such as regional autonomy policies and the role of political elites, influence the decisions regarding regional expansions, while ethnic identities and community participation are crucial in the social context. In terms of economics, the potential for natural resources and challenges in regional financial management are key concerns. In conclusion, the success of establishing new provinces relies on implementing inclusive and sustainable policies that involve the community in decision-making processes and enhance the capacities of local governments to create welfare and stability.

Keywords: New Province Formation, Regional Autonomy, Political Factors, Social Factors, Economic Factors.

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## **INTRODUCTION**

The history of new province formation in Indonesia cannot be separated from the political and social dynamics surrounding the nation's journey since independence until now. Initially, the establishment of administrative territories in Indonesia was heavily influenced by the colonial heritage of the Dutch, which divided the archipelago into residencies. After the proclamation of independence in 1945, Indonesia gradually established a new administrative structure more aligned with the spirit of nationalism and unity. Provinces that existed at that time largely reflected the territorial legacy of colonialism, such as the provinces of Sumatra, West Java, and Sulawesi. During the Old Order and the New Order, new province formation was more concentrated on shaping territories deemed strategic from a political and security perspective. This policy was significantly influenced by the centralist views of the government at the time, where the creation of new provinces often aimed to strengthen central control over certain regions, especially those vulnerable to separatist upheaval or regions considered strategically important economically. For example, the establishment of Irian Jaya Province (now Papua) in 1969 was a significant political step to maintain Indonesia's sovereignty over Papua, which had previously been an international dispute.

The Reformasi era at the end of the 1990s marked a turning point in the history of new province formation in Indonesia. One of the main features of the Reformasi was the implementation of broader decentralization and regional autonomy through the enactment of Law No. 22 of 1999 regarding Regional Government. This decentralization granted greater authority to regions to manage their domestic affairs, including forming

new administrative regions. With the advent of regional autonomy, demands for territorial expansion increased, particularly in areas that felt marginalized or experienced developmental disparities. Many regencies and cities were subsequently expanded into provinces, such as the establishment of Banten Province in 2000 and Gorontalo Province in the same year. The phenomenon of regional expansion has continued over the past few decades, driven by various motives, both political and economic. One of the main reasons for forming new provinces is the effort to accelerate development and improve the welfare of communities in areas perceived as underdeveloped. Expansion is seen as one solution to shorten bureaucratic chains and provide quicker access to public services. For example, the establishment of North Kalimantan Province in 2012 was motivated by the need to enhance accessibility and development in border areas that had long been overlooked by the central government.

The formation of provinces, regencies, and cities in Indonesia is regulated by law, with processes involving either the merging of regions or the expansion of one area into two or more. This mechanism aims to create autonomous regions with the authority to govern and manage their own affairs based on local aspirations, in accordance with the principles of the Unitary State of the Republic of Indonesia (NKRI). However, if an area is unable to effectively carry out regional autonomy, it may be dissolved or merged with another area through law. Additionally, the central government has the authority to establish special zones within provincial, regency, or municipal areas to perform governmental functions that are specifically of national interest.

Geographical distance from the provincial or regency government center, coupled with low-quality public services in certain areas, often drives the proposal for regional expansion. Furthermore, it is expected that such expansion will shorten bureaucratic control spans and accelerate societal welfare through improvements in public service delivery. Nonetheless, the process of expansion also incurs local political complexities, particularly due to the dynamics of political interests and community demands. This phenomenon reflects the spirit of regional autonomy, which provides opportunities for regions to manage their resources, enhance welfare, and strengthen local democracy through power distribution at smaller governance levels. The proposal for region expansion is submitted through three main channels: the Ministry of Home Affairs (normative), the House of Representatives (DPR), and the Regional Representative Council (DPD), with administrative, technical, and territorial requirements regulated under Government Regulation No. 78 of 2007.

Formally, the formation, dissolution, and merging of regions are governed by several important regulations, namely Law No. 32 of 2004 regarding Local Government (previously regulated by Law No. 22 of 1999) and Government Regulation No. 78 of 2007 regarding the Procedures for the Formation, Dissolution, and Merger of Regions (which replaced Government Regulation No. 129 of 2000). These regulations prescribe the criteria and procedures for forming new administrative regions, whether at the provincial, regency, or municipal level. Law No. 32 of 2004 was later revised by Law No. 23 of 2014, which also retains the regulations regarding regional expansion. Specifically, it stipulates that to create a new regency, at least five districts are required; the establishment of a municipal area necessitates a minimum of four districts, while forming a new province must comprise at least five regencies or municipalities.

In addition to the administrative requirements regarding the number of districts, Government Regulation No. 78 of 2007 also establishes a minimum age requirement for the administration of regional governance before expansion. A regency or municipality

can only be expanded after operating for a minimum of seven years, whereas a province requires a minimum age of ten years (Article 8 of Government Regulation No. 78 of 2007). This territorial expansion aligns with the concept of decentralization introduced in Indonesia as part of sociopolitical reforms through Law No. 32 of 2004. Despite the amendment of this law to Law No. 23 of 2014, more detailed implementation regarding the formation and expansion of regions has not yet been fully regulated under the latest government regulations, which still refer to Government Regulation No. 78 of 2007.

The spirit of regional autonomy encapsulated in these laws encourages various aspirations from several areas to expand themselves. The theoretical goal is to improve community welfare by facilitating access to public services and shortening bureaucratic spans. However, the issue of territorial expansion has sparked debates among various parties, including politicians, community leaders, government officials, and academic experts. Proponents of expansion view it positively as a means to accelerate development and local democratization, while opponents highlight potential drawbacks such as increased administrative costs, political fragmentation, and the emergence of inefficient bureaucracy. Territorial expansion also opens opportunities for "rent-seeking" practices by political and bureaucratic elites, where expansion is often leveraged as a chance to gain economic benefits, both through allocations from the central government and through local revenues. In pursuit of boosting Original Regional Income (PAD), many new regions then impose various levies that tend to create high economic costs for local communities. Moreover, there are accusations that territorial expansion is often used by local elite groups merely as a means to obtain new political positions, given that the opportunities for forming new autonomous areas facilitate the rise of new posts within local governance.

However, the impacts of regional expansion are not limited to economic and political aspects but also extend to social and cultural dimensions. Expansion can create psychological effects for particular community groups that feel marginalized in their roles and positions within the newly formed territory. In many cases, communities that previously played significant roles in the social and cultural dynamics of the area may feel a loss of influence or experience a decline in status within the expanded region. Furthermore, expansion also has broader implications, including issues of defense, security, and regional stability. This indicates that the regional expansion process is not a simple one; instead, it involves complex socio-political dynamics and requires careful consideration from the government to ensure that expansion not only broadens administrative territories but also yields tangible benefits for communities.

## **RESEARCH METHOD**

The normative legal research method is an approach that emphasizes the study of legal norms as outlined in legislation, doctrines, and evolving legal concepts within the legal system. The statutory approach is utilized to investigate and analyze relevant legal regulations concerning the research topic, including laws, government regulations, and other legal instruments, to understand how a legal issue is normatively regulated. Through this approach, the researcher examines the order, substance, and compatibility between regulations. Meanwhile, the conceptual approach is used to explore and develop legal concepts that form the foundation of thought and principles underlying the regulations studied. By combining both approaches, normative legal research not only focuses on the textual aspects of positive law but also delves deeper into the theoretical concepts and

legal thoughts that underpin rule formation, thereby providing a comprehensive understanding of the development, implementation, and application of law within society.

## **RESULTS AND DISCUSSION**

### **Legal Regulation in the Formation of New Provinces in Indonesia According to Law No. 23 of 2014 regarding Local Government and Government Regulation No. 78 of 2007**

Indonesia, as a Unitary State as stipulated in Article 1 paragraph (1) of the 1945 Constitution, affirms the basic principle that, although governance is decentralized, sovereignty remains with the central government. Regional autonomy is an integral part of national policy that allows regions to manage their affairs, but still within the framework of the Unitary State of the Republic of Indonesia. This autonomy policy does not exclude regional responsibilities toward the state, and regions must not contradict central policies. Although Indonesia is a unitary state, cultural and resource differences between regions are respected, with guarantees of extensive autonomy for regions to develop according to their potential. The central government plays a role in providing support and oversight, ensuring regional aspirations are not destructive but rather support national integration and regional development. This principle of decentralization should be applied wisely so that regional autonomy strengthens the unity of the nation, in accordance with the mandates of the 1945 Constitution.

Decentralization is the implementation of the concept of autonomous governance, where regional governments are given the authority to organize and manage their own affairs. This is reflected in the delegation of government affairs from the central government to autonomous regions that have the right to manage local interests based on their aspirations. Law No. 23 of 2014 defines decentralization as the delegation of governmental authority to the regions to manage and administer government affairs within the framework of the Unitary State of the Republic of Indonesia. Consequently, autonomous regions become legal societal units with specific territorial boundaries and authority to manage local governance interests based on their own initiatives. This decentralization concept also reflects the principle of distributing power within the organization of the state. Also, regional autonomy involves not only administrative aspects but also emphasizes the importance of efficient governance functions that correspond to the characteristics of each region, allowing local governments to manage resources and serve the community effectively.

The implementation of decentralization through regional autonomy aims to enhance government efficiency and effectiveness, reduce bureaucracy, and provide satisfaction to local communities. Decentralization also prevents the concentration of power at the central level, enabling regions to respond swiftly to issues and allowing government policies to be adjusted to local conditions. Additionally, decentralization is viewed as a means of bringing government closer to the people, encouraging local participation in governance, and aligning policies with the unique needs and characteristics of each region. In Indonesia, which consists of thousands of islands and diverse populations, decentralization provides regions with the flexibility to manage their government affairs while adhering to the principles of the Unitary State of the Republic of Indonesia. Ultimately, this concept is intended to strengthen regional development, improve community welfare, and create a government that is more responsive to local needs.

The formation of new autonomous regions primarily aims to improve public services, accelerate development, and achieve community welfare. Law No. 32 of 2004 emphasizes that in the process of establishing regions, various factors must be considered, such as economic potential, area size, demographics, and socio-political conditions. This indicates that the goal of regional expansion is not solely administrative but also functions as a political education tool that can strengthen democracy at the local level. Key considerations in regional expansion include accelerating development, achieving more equitable distribution of welfare, enhancing public services, fostering local economic growth, and maintaining security and harmonious relations between the center and the regions.

Regional expansion is also expected to bring services closer to communities, particularly in areas with geographic challenges and limited infrastructure. Additionally, historical and cultural reasons often underpin expansions, where new regions are viewed as having unique cultural or historical identities. In the economic context, the establishment of new regions aims to accelerate development and enhance original regional income through more effective resource management. Regional expansion is also expected to create social justice in terms of equitable development and filling public positions.

The urgency of regional expansion includes increased public services, effective governance management, community empowerment, and the learning process of democracy. For border or island regions, expansion is crucial to address isolation issues, improve access to economic, social, and cultural development, and strengthen national defense. However, if a region is unable to maintain effective autonomy, dissolution or merging with other regions may occur after a thorough evaluation of the local government's performance.

Law No. 23 of 2014 regarding Local Government imposes stricter requirements for the formation of new autonomous regions compared to previous regulations. These requirements include administrative, technical, and physical criteria that must be met before an area can be designated as an autonomous region. The process of establishing regions now includes more detailed preparation stages that allow for tighter monitoring of the performance and administration of newly formed areas. This aims to ensure that each newly established autonomous region can effectively perform its functions, preventing the recurrence of instances where new regions cannot operate efficiently.

The tightening mechanism for establishing new autonomous regions involves designating preparation areas through government regulations. These preparation areas are granted three years to carry out various administrative activities under the leadership of the regional head. If, within this time frame, the preparation area satisfactorily meets all specified requirements, then it can be established as a new autonomous region. However, if during the three years, the preparation area fails to meet the stipulated requirements, the expansion cannot proceed, and the area will not be recognized as a new autonomous region.

According to Djohermansyah Djohan, as cited by Haris Syamsudin, the phenomenon of widespread regional expansion in Indonesia is often driven by the urge to achieve homogeneity, where some expansions are based on a desire to escape pressure from certain groups that may be ethnic, religious, or for other reasons. In this context, considerations from local elites often dominate the short-term interests in the proposal process, rather than conducting more thorough and responsible studies that consider the implications of the expansion comprehensively.

As a preventive measure in determining regional expansion, there are three criteria that should be considered. First, regional expansion should aim to strengthen professionalism in public service by local governments. This is essential to create an equitable relationship between bureaucracy and the served community, thereby building public trust in the government. Second, regional expansion should be accompanied by good management practices and mastery of technology in local government bureaucracy. This is expected to yield faster, more accurate, and easily accessible services that are based on solid information, thus ensuring that communities receive adequate and efficient services. Third, regional expansion should be based on professionalism principles, characterized by a narrower span of control. This allows for better oversight of governance, thus maintaining and enhancing the quality of public services.

### **Dynamics in the Formation of New Provinces in Indonesia: Political, Social, and Economic Factors Perspective**

The establishment of new provinces in Indonesia refers to the process of regional expansion aimed at creating a more efficient and effective governance structure, as well as improving public services for the community. This process is driven by various factors, including the desire to bring government services closer to citizens, address development disparities, and strengthen regional identities. With the enactment of Law No. 23 of 2014 regarding Local Government, the government provides a clearer legal framework regarding the requirements and procedures for regional expansion, encompassing administrative, technical, and physical aspects. However, the formation of new provinces is not merely an administrative matter; it also involves complex considerations, including political interests, cultural histories, and regional economic needs. Analyzing political, social, and economic factors is crucial in understanding the dynamics of new provincial formation, as these three aspects interact and influence the outcomes of the expansion process.

From a political perspective, local elites and central government policies can either encourage or hinder expansion, depending on the existing support and political interests involved. Meanwhile, social factors such as ethnic identities, historical contexts, and local community dynamics can significantly influence the legitimacy and success of new province formation. Economically, the potential for natural resources, the flow of investment, and development planning become decisive factors that either expedite or obstruct the expansion process.

Political factors play a crucial role in the new province formation in Indonesia, particularly through regional autonomy policies regulated in Law No. 23 of 2014. This law provides a more detailed legal framework concerning the requirements and procedures for regional expansions, including the creation of new provinces. One impact is the tightening administrative requirements and evaluations of the performance of regions wishing to expand. This aims to ensure that the newly formed areas can manage governance independently and provide optimal public services. Additionally, this process opens opportunities for political elites and parties to foster proposals for expansion, where they play an important role in voicing community aspirations and building the necessary political support to approve such initiatives. The presence of influential local political figures often becomes a determinant in garnering support at both the community and central government levels.

The dynamics of power arising from regional expansions are also a significant political aspect. Creating new provinces can influence the distribution of power at both local and national levels, allowing government power to be more disseminated and delegated to the newly formed local governments. This can benefit local communities in accessing public services and participating in decision-making processes. However, on the other hand, expansion can also lead to conflicts of interest between the parent and new regions, particularly concerning resource distribution and budget allocation. The political motivations behind the expansion are often driven by a desire to gain political support and legitimacy, both from local communities and the central government. Political leaders may view regional expansion as a strategy to broaden their support base, create new opportunities for filling public offices, and enhance their bargaining power in local politics, thus creating conditions more favorable for their positions in broader political arenas.

Social factors play a significant role in the formation of new provinces in Indonesia, especially regarding ethnic and cultural identities. In many areas, the push for expansion is often motivated by the desire to recognize and preserve certain ethnic identities which may have been overlooked within the broader governance framework. Communities that feel that their culture, traditions, and values are not fully accommodated by the parent regional government often consider expansion as a solution for gaining greater autonomy and better representation in decision-making processes. In this context, community involvement is key; the level of participation in the expansion process can determine the legitimacy and success of forming new provinces. When communities feel involved in this process, either through discussion forums, socialization, or voting, there tends to be a greater sense of ownership over the final outcomes and legitimacy regarding the existence of the new province.

However, regional expansion can also give rise to potential social conflicts, especially when the interests of different groups within the community are misaligned. Differences in political, economic, and cultural aspirations can lead to tensions, particularly if certain groups feel marginalized during the expansion process. These social conflicts can range from competition over resources to debates about budget allocations and local power. Moreover, the impact of expansion on social welfare becomes a primary concern; although expansion aims to enhance quality of life through better access to public services, the outcomes may vary in practice. If expansion is not accompanied by careful planning and effective management, the quality of life in the new provinces may be threatened, with inadequate access to education, health services, and infrastructure.

Economic factors play a vital role in the establishment of new provinces in Indonesia, particularly concerning the economic potential of regions that underlie the push for expansion. Each region has different natural resources and economic conditions that can serve as primary triggers for seeking greater autonomy. For example, regions rich in natural resources such as minerals, agriculture, or plantations often encourage communities to push for expansion to manage these resources more independently and effectively. Expansion is expected to provide new regions with opportunities to optimize the utilization of existing economic potentials, thus fostering more rapid local economic growth and improving community welfare. On the other hand, regional expansion presents significant impacts on investment and infrastructure development. With new provinces being formed, there are hopes of attracting more investment flows from both the central government and the private sector, which is essential for developing infrastructure supporting economic growth, such as roads, bridges, and other public

facilities. However, economic challenges also arise, especially regarding the management of regional economies and finances. New regions often face difficulties in budget management and generating original regional income (PAD) due to their limited experience and managerial capacity.

The process of establishing new provinces in Indonesia has various impacts that can be categorized as positive and negative. Among the positive impacts, improving public services is one of the most visible outcomes. With the formation of new provinces, communities in these areas often gain better access to essential services such as education, health care, and infrastructure. Furthermore, the expansion of provinces can strengthen regional identities, allowing communities to celebrate and preserve their local cultures. From an economic perspective, the establishment of new provinces is often anticipated to spur economic growth by creating a more conducive environment for investment and developing local resource potentials. However, on the flip side, the negative impacts of this expansion should not be overlooked. The potential for conflict often arises, especially if there are differing interests among various ethnic or social groups. Additionally, issues of uneven resource allocation and challenges in regional government administration frequently lead to community dissatisfaction, which can hinder development processes and create instability in the new regions.

To address these challenges and ensure that the establishment of new provinces is carried out effectively and sustainably, several recommendations need to be considered in future policies. It is essential to actively involve the community in decision-making processes related to regional expansion to ensure that their aspirations and needs are adequately accommodated. Conducting more in-depth studies regarding regional readiness before expansion is also crucial to ensure that the new regions have sufficient capacity in terms of administration and resource management. Furthermore, both the central and regional governments must collaborate to formulate fair and transparent resource allocation policies to minimize potential conflicts. Lastly, strengthening the capacities of local governments in both managerial and financial aspects should be a priority so that new regions can operate efficiently and effectively in delivering services to the community and promoting sustainable economic growth.

## **CONCLUSION**

The establishment of new provinces in Indonesia is a complex phenomenon that involves the interaction between various political, social, and economic factors. Overall, regional expansion is expected to improve public services, strengthen regional identities, and promote local economic growth. However, this dynamic also presents challenges that cannot be ignored, such as potential social conflict, uneven resource allocation, and difficulties in governance management. Therefore, it is crucial to conduct comprehensive evaluations of each proposed expansion to ensure that newly established regions possess the necessary capacity to implement regional autonomy and meet community needs.

The success of establishing new provinces significantly depends on the implementation of inclusive and sustainable policies. Involving communities in decision-making processes and conducting thorough analyses of regional readiness are key steps in creating prosperous regions. Additionally, strengthening the capacities of local governments must be prioritized to ensure that public services operate effectively. With the right approach, the formation of new provinces will not only contribute to community welfare but also to the stability and advancement of the nation as a whole.

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