

Political Review of the Moratorium of Regional Expansion

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Abstract. Reforms have changed the system of state power. The changes in the country's power system were the revision of the Regional Government. The revision provides an opportunity for the regions to regulate and manage their government. The Implication of the implementation of regional autonomy is high demand for regional expansion, they could develop their regions quickly. However, the implementation of regional expansion has not been effective due to the inability of the regions to formulate their authority, and they have not been able to manage the regional budget optimally. DPD RI proposed the moratorium on the formation of new autonomous regions to be lifted. During the moratorium as an evaluation of the development of the newly created regions, it was not effective. From this description, the author asks how the legal politics of the implementation of the moratorium on regional expansion and how to evaluate the policy of the moratorium on regional expansion. The writer uses normative legal research with a statutory approach, a case approach, and a historical approach to answering this question.”

Keywords: *Moratorium, Government and Regional.*

1 Introduction

Reform 1998 has changed the system power state, the changes are such that the revision of Law No. 22 of 1999 concerning Regional Government into Law no. 32 of 2004, revision of the provide opportunities for broad regional autonomy. According to Law no. 32 of 2004 as an amendment to Law no. 22 of 1999 is the right, authority, and obligation of autonomous regions to regulate and manage their government affairs and the local community's interests following statutory regulations. Since the enactment of Law no. 22 of 1999 concerning Regional Government, the orientation of development was changed from efficiency and growth principles to independence and justice. In such a condition of development orientation, the orientation of development implementation shifts towards decentralization. One of the implications of the paradigm shift in the implementation of development is the emergence of the phenomenon of regional expansion. Since the enactment of Law No. 32 of 2004 concerning Regional Government, the expansion of regions in regional autonomy seems to have its own charm, so it is not surprising that it continues to be a conversation in various circles. The strength of the discourse has also strengthened the controversy and debate between elites, community groups and even policy makers. Not to mention the diverse public responses that more or less enliven the controversy. Many questioned the urgency of the maneuver idea for various basic reasons such as political, sociological, religious and even historical reasons.

In addition to the above, the implementation of the regional autonomy policy (based on Law No. 22/1999) has been followed by the division of provinces and districts/cities. The data shows that the regions that have been divided over the last five years are at least 128 for districts/cities and six provinces. All regions that were divided were politically processed, proposed by the regions through the Minister of Home Affairs and the DPR by obtaining legitimacy from the DPOD (Regional Autonomy Advisory Council) as an institution that was conceived to be independent, although its practice often raises questions. Chaotic governance management, especially in the regions, has become increasingly common since the national government gave leeway to forming new autonomous regions (DOB). Apart from the debate over the age of government, not a few new autonomous regions or their parent regions have difficulty or are unable to formulate regional authorities or affairs following the conditions and needs of local communities. In addition, after being formed for so long, many regional governments resulting from the division have not managed budgets to optimise the regional economy. As a result, local governments cannot provide optimal public services as expected by the community from the regional expansion policy.

The government has been very aware of the various bad effects of the expansion. President Susilo Bambang Yudhoyono (SBY) has taken many policies to overcome the adverse effects of the expansion. Efforts to improve the arrangement of autonomous regions carried out by the SBY government in the past

ten years include tightening the rules for establishing new autonomous regions through PP no. 78 of 2007, which imposed a moratorium on regional expansion and drafted a grand design for regional arrangement in Indonesia. However, the efforts taken during the SBY administration to stem regional expansion were not practical. In practice, the new regulations have not been able to stop manipulating prerequisite data, the moratorium has not been able to limit the political pressure for expansion, and centralism has not received legitimacy from the DPR as the basis for further regional structuring. Currently, the pros and cons of the moratorium on regional expansion policies carried out by the Indonesian government through President Jokowi from the last period until the end of the current period seem endless, polemics over this policy continue to roll from the political elites, activists, academics and the people in the regions who want an expansion in their regions. However, the Jokowi government insists on implementing the moratorium on regional expansion. According to data from the Monitoring Committee for the Implementation of Regional Autonomy (KPPOD) Robert Na Endi Jeweng, 384 waiting lists for regional expansion throughout Indonesia. This happened as a result of the 5-year moratorium on regional expansion by President Joko Widodo since 2014. However, during the moratorium the government was deemed to have done nothing during this time lag. In fact, during the moratorium, various evaluations or guidance should be carried out on the expansion areas. Currently, the Regional Leadership Council of the Republic of Indonesia proposes that the moratorium on the formation of new autonomous regions (DOB) be lifted. This is based on the need for expansion in a number of areas from Kalimantan to Papua, the areas that need to be expanded are areas on the border and inland. In this area the surrounding community is still experiencing difficulties in obtaining public services. This is the background for making the DPD RI propose that the moratorium be lifted. Areas that need to be expanded are areas on the border and inland. In these areas, the surrounding community still has difficulty in obtaining public services. Therefore, there is a need for a review of the moratorium on regional expansion policies. Therefore, the author has questions in the form of How is the legal politics of the implementation of the moratorium on regional expansion and how is the evaluation of the policy of the moratorium on regional expansion?

2 Method

The methodology is an activity to think scientifically in a systematic order that aims to study the phenomenon of the law specific to the analysis by doing checks the depth of the fact. [1] The study is a process of inquiry against a science knowledge in carefully, full of patience and critical to find the facts to the effect of a law on the community's activities. [2] An inline large study of law is divided into the two types, namely the study of law normative and study law sociological. Research legal normative is the research that a researcher conducts to look for a decision that will be made by the judge who will be the source of law [3]. While the study of law empirically is the study of law sociological an investigation to identify and see the effectiveness of the entry into force of the law in the a community to obtain the data emergency source of primary through observation directly. [4] In the writing time this writer using the methodology of the study of law normative by using the approach of legislation, the approach of cases, approach to history and approach conceptually to the sources of law derived from material law primer and material laws secondary that then the data are performed validation to get the validity of the data that. [5]

3 Discussion

3.1. Political Law Enactment Moratorium Proliferation of Regions

Third, and this is often not disclosed as a written reason, is an attempt to share power at the local level. The elite turnover at such a slow rate, even a number of regional elites who are comfortable in the seats of power and position, continue to maintain it in various ways, resulting in jealousy from other elites who are also hungry for power. Conflicts among local elites in fighting for power and positions are often unavoidable, including involving the people (understream) in the form of horizontal conflicts (as evidenced in the cases of Mamassa, South Sulawesi, and Morowali, Central Sulawesi). As a result, in various ways they are also trying to divide the region so that they can get a position or power in the new area. Moreover, for those who have contributed to the struggle for the expansion area, they have positioned themselves as the party that must get a share of the allotted seat of office or politics and power in the new area. The burden of administering government due to regional expansion is at least identified in several ways. First, new areas need facilities and infrastructure, such as offices and all their supports. Second,

government operational funds are needed to pay a number of employees in the newly formed Regional Apparatus. Third, in the Government Regulation of the Republic of Indonesia No. 129 of 2000 concerning Requirements for Establishment and Criteria for Regional Expansion, Abolition, and Merging of Regions, article 1 paragraph (1) states that regional autonomy is carried out according to its own initiative and based on the aspirations of the people in accordance with statutory regulations. So the proposal for regional expansion should be the aspiration of the regional community with the reason of increasing people's welfare, but this community proposal is often ridden by the interests of the political elite who want to gain power status over the formation of the new autonomous region. Initially, the division of this region was intended to improve the welfare of the people in the region. Along with the creation of new regions, new government service bureaucracies have also developed in areas that are closer to the people.

However, the effectiveness and efficiency of government administration with the division of the region has recently begun to be questioned. The presence of a number of new areas has not had an impact on the welfare of its people. On the contrary, a number of new problems have been revealed for the burden of government administration. If we examine why regions need to be divided, the various proposals suggest various reasons. First, it is related to the span of control of a regional area which is considered too wide, so that in order to bring the policy makers (who are located in the regional government capital) closer to the community, it is deemed necessary to present a new regional government institution and structure. This reason is related to efforts to improve the quality of local government services to the community. Second, in order to create equitable development, because in reality the concentration of development (economic) activities and growth is always in the capital city of the regional government and the surrounding area. Meanwhile, the further away from the regional capital, the more backward the area will be, so that the elites of the people living in the underdeveloped areas seek to establish their own government. New regions need DPRD with a number of operational funding burdens. Fourth, new regions need funds for the election of their regional heads. Regional expansion does not only have implications for the formation of Regional Apparatuses, but also the formation of sideline agencies in the region. For example, law enforcement agencies such as high courts, district courts, religious courts, high prosecutors, prosecutors, state, and police. Establishment of agencies vertical in the area recently it also becomes a load of new operational governance.

According to Sjafrizal (2008) the political aspect that often arises in the expansion of regions is in the form of the desire of several political figures to get new positions, both as Head and Deputy Regional Heads and Members of DPRD in the expansion areas. [6][7] (Abdullah MA, 2011) In fact, the majority of the new autonomous regions formed after the reform failed to achieve the goal of people's welfare. The formation of new autonomous regions generally only benefits a few local elites. Based on data from the Principal Researcher of the Indonesian Institute of Sciences (LIPI) confirms that the majority of new autonomous regions have failed. Failure that occurred because the actual reason politically more dominant than reason other. Already become a secret common that most of the expansion of the area boarded by the interests of the elite local who disguised as the aspirations of the people. Among them is the case of the idea of the expansion of Imekko, South Sorong, in which several elites are indicated to use the expansion discourse for the benefit of the 2014 Election and occupy positions in the bureaucracy. In fact, occur effort to lead the response of society in the roots of the grass in order to conform with conditions ideal expansion area. The case of the expansion of other which emphasizes the element of politics with the mobilization of the masses is the District Pesawaran Lampung. Because of the many masses that marched sense, districts are forced bloomed despite the requirements of territoriality has not been able to be met by the proposer. Some of the determination of the capital in the province of Lampung, such as the District Coastal West, County Coastal South, and Lampung East also deemed not appropriate because it was not preceded by a study that systematically and strategically, but only determined by elitist. The weakness of the division is caused because of (1) is done without taking into account as carefully the potential progress of regional aircraft and candidate DOB; (2) the practice of data manipulation when proposing new autonomous regions; (3) the institution that is responsible on the process of expansion is very weak from the responsibility responsibility and professionalism. Regions often use normative and technical reasons for regional expansion, such as shortening the span of control between local governments and communities and creating equitable development. In fact, the real goal is only to share power at the local level. As a result, governance in new autonomous regions becomes ineffective. Various government problems that commonly arise include: (1) inadequate government management capacity; (2) the quality of human resources for local government officials and DPRD is low; (3) minimal government facilities and infrastructure; (4) the emergence of border conflicts/location of the capital; (5) poor public services; (6) community welfare does not increase; and (7) local democracy that is not

improving. The case of the failure of the new autonomous regions should be a lesson for the central government in passing the demands for expansion.[8] (R. Siti Zuhro,2014).

Departing from the ineffective impacts of regional expansion, a moratorium on regional expansion began in the era of President Susilo Bambang Yudhoyono's administration era, for various reasons. First, that the excessive division of districts can threaten the integration of the Unitary State of the Republic of Indonesia. Second, the demand for expansion must go through the mechanism for the formation of a Preparatory Region before being passed. Third, the regional expansion policy creates a budget burden for the central government, such as the General Allocation Fund (DAU) and the Special Allocation Fund (DAK). Fourth, new autonomous regions have not been able to carry out government and development optimally, so that public services cannot be provided properly. Fifth, there is an alternative to increase the reach of government and development programs from existing districts through increasing budget allocations for development programs to disadvantaged areas. Until now, the pros and cons of the moratorium on regional expansion have become a strategic issue that is still being rolled out to this day. President Jokowi is still not going to lift the moratorium in 2019, in order to build a centric Indonesia. The moratorium policy is the impact of the massive expansion of regions that has occurred in the reform era since the enactment of Law No. 22 of 1999 concerning Regional Government. This law itself has been revised four times with the same name, into Law No. 32/2004, Law No. 23/2014, and finally Law No. 9/2015 on Regional Government. If in 1999 Indonesia only had 26 provinces and 293 regencies/cities, in a span of 15 years the number has now become 34 provinces and 508 regencies/cities. The number of New Autonomous Regions (DOB) that have been successfully born has become a stimulus for other regions to join in demanding the expansion. Until now, even though the moratorium is in progress, the Ministry of Home Affairs has even received as many as 358 proposals for regional expansion at the provincial and district/city levels.

In addition to improving the process of regional expansion, the moratorium is considered quite effective in restraining the rate of regional expansion which is considered expensive for the central government, which is related to DAU and DAK. However, this policy is seen as contrary to the Law on Regional Government which allows for regional expansion. Based on research conducted by the Center for Political Research-LIPI, the postponement of the expansion can only be done by revoking or improving the relevant government regulations, because the moratorium is not in the legislation. Making a grand design for expansion, for example, can prevent coercion of expansion through lobbying, demonstrations, and brokers. Regardless of the pros and cons, a moratorium on regional expansion is necessary. It is clearly stated about the criteria for regional expansion in Government Regulation no. 78 Year 2007 concerning Requirements Establishment and Criteria for Redistricting, Elimination, and Merging Regions. But what happens during this, the public is selecting the division as a solution. Redistricting is the right basic areas, such as that written in the Law of Administration Regions. But that is important also to remember is the division should be done with the procedures and standards are strict, with notice of readiness area that will be expanded, so that does not happen again the case of DOB that failed to thrive after the escape of regional aircraft. For DOB which already bloomed and experienced stagnation, even failed in socio-economic, actually do not need to undergo merging back, provided that the government find a policy that can fix the situation, such as a policy improvement finance DOB with the system of taxation and levies that benefit DOB. The regulation of regional expansion was then regulated by Law No. 32 of 2004 concerning Regional Government in conjunction with PP No. 78 of 2007 concerning Procedures for the Establishment, Abolition and Merger of Regions in line with the change of Law No. 22 of 1999. In Law no. 32 of 2004 concerning Regional Government, actually the government has been a bit strict and firm in the expansion of regions. This can be seen in the provisions concerning the merging of regions that have been divided if they do not meet the minimum standard of performance results that should be.

Although it has been regulated in formal juridical, in its implementation the merging of the regions has never been carried out by the Central Government. In the end what happened was the 'addition' of new autonomous regions as a result of the separation of certain parts of the region. If we look closely, PP 78/2007 turns out to be very strict and not as loose as PP 129/2000, which is quite flexible and lenient, thus facilitating the proposal for regional expansion. One example is that PP 78/2007 stipulates that the Province to be expanded must be at least 10 years old, while the Regency/City must be at least 7 years old. This provision is different from the provision in PP 129/2000 which states that newly divided regions can be immediately expanded again. Another change is in terms of the number of regencies/cities to become new provinces and the number of sub-districts to become new regencies/cities. In PP 129/2000, for the establishment of Provinces there are only 4 (four) Regencies/Cities, while PP 78/2007 is tightened to a minimum of 5 (five) Regencies/Cities. In PP 129/2000 for the formation of a new

Regency, a minimum of only 4 (four) Districts is required, but in PP 78/2007 the requirement is increased to 5 (five) Districts. As for the formation of a new State before a minimum of only have 3 (three) districts, now tightened to a minimum of four (4) districts.

PP 78/2007 actually provide the legal basis for the central government to liquidate the "new area" as a result of split / merge areas deemed incapable organize regional autonomy. This means that the area that has been expanded but if in fact the "new clothes" are too big or the bodies are small but are raised by wrapping the "new clothes" will be evaluated by the Central Government in the hope that the expansion of new regions does not cause economic, social and economic excesses. new politics in the region. If it is true that the government is conducting liquidation, it is impossible or not that the decision will have a deterrent effect on local political elites and regional figures in Jakarta to think a million times before submitting the proposal for regional expansion. If that is not possible, then regional merging should be the only solution. In addition, it is also worth considering the manipulation of the interests of local elites as the aspirations of the people in demanding expansion, even though efforts to share power at the local level dominate the reasons for dividing regions. M recording Tri Ratnawati [9] (2009: 15), of regional expansion that occurred in Indonesia during this time had some motive the hidden include : Gerrymander is an effort to expand regions for the benefit of certain political parties. The case for the expansion of Papua by the Megawati government (PDIP) was allegedly aimed at splitting the votes of the opposing party. Regional expansion has turned into a kind of "business." Pratikno noted that many initiatives in the legislative process for regional expansion were initiated by the Indonesian House of Representatives (initiative bill). On October 25, the DPR submitted 13 bills for the formation of new regions, on December 10, 2007 the DPR submitted 16 bills for the formation of new regions. And in February 2008 the DPR was discussing the proposal for the expansion of 21 new regions [10] (Pratikno, 2008: 2) The purpose of regional expansion, such as responding to religious and ethnic separatism, is actually motivated to build the image of the regime, strengthen the legitimacy of the ruling regime, and the self-interest of regional and central elite actors.

3.2 Evaluation of the Regional Expansion Moratorium Policy

Implementation of decentralization addressed in order to improve the efficiency and effectiveness of the implementation of governance, because decentralization is able to reduce the accumulation of power in the government center. [11] (Cheema & Rondinelli, 1983) also defines decentralization as "the transfer of planning, decision making, or administrative authority from the central government to its field organizations, local administrative units, semi-autonomous and parastatal organizations, local governmental, or nongovernmental organizations". From this definition, it can be concluded that in decentralization, not all affairs are given to the regions, but there are some affairs whose authority is given to the regions. Furthermore (Sulistiowati, 2014) states that: In further developments it is divided into two, namely administrative decentralization and political decentralization. Administrative decentralization is a delegation of implementing authority given to central officials in the regions. Meanwhile, political decentralization involves the delegation of certain decision-making powers regarding the resources given to regional and local government agencies in order to manage their interests. The definition of decentralization is related to the process of forming an autonomous region. As a consequence of the implementation of decentralization in Indonesia is the emergence of the concept of regional autonomy. Regional autonomy in Indonesia causes the authority and span of control of the central government to decrease, so it is hoped that there will be an acceleration of growth and development in the regions, creating a balance of development between regions in Indonesia and encouraging the creation of regional independence in an effort to optimize the development of regional potential.

The Ministry of Home Affairs has stated that since 2014 the division or merger of territories has been stopped or a moratorium has been placed on. the reason is that the moratorium on the formation of New Autonomous Regions (DOB) is still in effect. There are two things that underlie the government is still carrying out a moratorium on the division of the area. First, the center of development is currently shifting from the provincial to the village level. This shift caused the formation of new provinces to be less needed for equitable development. By because it's, fund village increasingly large and increasingly large. So it is not necessary division-division is further so as not to swallow a lot of costs. The second reason is that if the moratorium on the formation of the New Autonomous Region is lifted, the budget burden and the need for the number of employees will swell again. Because of increasingly large forces us, both in the center as well in the area, causing the budget development, expenditure of capital, it is smaller in percentage. A moratorium on the establishment of the Regional Autonomy New has been underway since 2014. It will however, the proposed expansion of the area still keeps popping up [12] (Astika Ummi Athahirah : 2019).

If desired repeal of the policy a moratorium on the expansion area, then before re-opening of the expansion area, needs to be there a few things that must be ascertained first advance. One of them is the evaluation of the expansion area.

Evaluation should summarize the four things that championed the expansion area has been reached, or vice versa—as the community's welfare, running government with good (good government), improvement of services of public and power competitiveness of the region. If four things that have not been achieved, could only just be wasting the budget to no avail, and the interests of others who later on called on the needs of the expansion area. This is because, in regional expansion projects, it is usually only beneficial for a handful of people. For example, the NGO fighters expansion area, bureaucrats whose difficulties ascend the ranks, party politics that got the quota distribution of cadres to the world of business which is doing the project development division of the area. So also with the expansion of the area in Papua who got exemption from the moratorium. The evaluation of the special autonomy fund (Otsus) should not be missed from the evaluation. Moreover, this year will be the last year for granting special autonomy funds. The results of the evaluation will determine the fate of the funds Papua Special Autonomy continued or terminated. If it is continued, of course there needs to be improvement. If it is proven not effective, selection of expansion of the area so the solution. Only just, again splitting the area not to happen because of the pressure of the particular and ignores the purpose of the core division of the area. The regional expansion that has occurred has brought a number of positive and negative implications. There are several implications of the regional expansion, among others [10]:

1. Socio- Political Implications

From a political point of view, regional expansion can create a feeling of homogeneity in the new expansion area, which will actually strengthen the feeling of egocentrism. It is if it is not managed by either will lead to conflicts horizontally or vertically. In addition, the emergence of many districts /cities actually creates inefficiency in local government management. The difficulty of the Government Center and the Government of the Province also became the implications of social-political division of the area.

2. Socio-Economic Implications

The expansion of regions has caused the financial burden to be borne by the Central Government to increase. If this phenomenon is true, then the spirit of regional expansion has denied the spirit of regional autonomy because what has happened is the dependence of the regions resulting from the expansion of the central government.

3. Cultural Social Implications

Through the expansion of the area, the community area turned out to have brought the impact on the recognition of the social, political and cultural of the community. On the one hand, this implication will lead to cohesiveness at the community level, but viewed from the external side, it can be seen as regional egocentrism.

4. Implications on Service Public

The dimensions of public services, regional expansion will shorten the geographical distance between residents and service centers, namely the Regency/City Capital.

Implications for Economic Development The existence of the expansion area would give an opportunity to the local poor to gain over many subsidies from the government center (DAU and DAK) and the case this will encourage an increase in income per capita in the region.

5. Implications on defense, security, and national integration

Expansion of Regional can be seen as a trigger for divided state unity, even also can be seen as a threat to form a federal state in Indonesia. After running for approximately 10 years, it turns out that regional expansion has not yet brought a positive impact on new autonomous regions and even tends to be less independent. Several studies have tried to research and examine the new areas resulting from the division. The Center for Regional Autonomy Research and Development of the Ministry of Home Affairs (2005) has conducted research on the Effectiveness of Regional Expansion in the Era of Regional Autonomy. The research concludes that in general, none of the New Autonomous Regions can be grouped into the Capable Category. Bappenas (2005) has also conducted a Study on the Acceleration of Development of New Autonomous Regions (DOB). The results of the study show that Regional Original Revenue (PAD) is increasing, but dependence on the General Allocation Fund (DAU) is still high. There has also been an increase in development spending, with the proportion of routine spending still small. So it is not surprising that the quality of service to the community has not increased (<http://>

//www.undp.or.id/pubs/docs/pemekaran ID.pdf) Regional expansion can be a solution, but don't expand just because of elite demand. For that, before the central government should have a development plan until 2030. For example, how many provinces and districts will be in that year. The location of the expansion is in any area. So that there is no regional expansion that deviates from the government's strategic development agenda.

4 CONCLUSION

Based on the discussion of the problem formulations that have been described, the following conclusions can be drawn: Apart from improving the process of regional expansion, the moratorium is considered quite effective in restraining the rate of regional expansion, which is considered expensive for the central government. A moratorium on the expansion of the area does need to be done. It is necessary because the formation area is based on political and historical considerations rather than economic and aspects of technical administration. Among others, the availability of the apparatus of government and the legislature, capacity management of government facilities and infrastructure of government, as well as learning in the level of government. Before the revocation policy moratorium on the expansion of the area carried out, one needs to pay attention to several aspects such as the community's welfare and running government with well (good governance). Therefore, do not get if actual expansion area held back only to realize the interests of parties who seek profit and not on the tendency of the welfare of the people. Based on the discussion of this paper, there are suggestions that the author conveys, namely as follows: Need to study and consideration of the economy so that governments can carry out the services to the public more efficiently and improve the welfare of society. So that does not happen tendency failure region autonomy new more dominating than success. Increased capacity of DOB can be done by optimizing the benefits of funding de-concentration, the task of assistance, and ongoing program ministries / agencies in the area. Do also strengthening the work equally among regions through an increase in capacity and policy incentives. Factors interests of politics and the needs of society should be collected and conducted to keep into account the ability to finance the state. The expansion of new autonomous regions is not the only solution to local government problems. Optimizing the policy of government that directly touch the people it is a solution the problem of government.

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