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ASYMMETRIC DECENTRALIZATION AND THE CHALLENGES OF REGIONAL AUTONOMY: A STUDY OF WEST SUMATRA IN THE CONTEXT OF CULTURAL DIVERSITY AND SOCIAL WELFARE

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Abstract

Asymmetric decentralization is a strategy that provides more power to specific areas according to their unique traits and requirements. In West Sumatra, asymmetric decentralization respects the distinctiveness of Minangkabau culture and local knowledge by providing local governments with greater power to handle local issues. Nonetheless, its execution continues to encounter difficulties, including significant fiscal reliance on the central government, redundant policies, and insufficient regional institutional capabilities. In this research, the authors examine how asymmetric decentralization affects regional autonomy in West Sumatra, focusing on the viewpoints of central government policies, community involvement, and management of local resources. The expectation is that by reinforcing decentralization principles, improving cooperation between national and local governments, and following the tenets of fiscal equity, West Sumatra can attain a more efficient and sustainable regional autonomy while preserving national unity in the face of cultural diversity.

Keywords: *Asymmetric Decentralization, Regional Autonomy, West Sumatra, Cultural Heritage, Fiscal Decentralization*

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A. Introduction

The idea of regulatory construction can be generally perceived as the process of developing a distinct set of regulations[1]. As defined by the Indonesian Dictionary (KBBI), construction implies the design or organization of a framework. Within the realm of governance, regulatory construction involves the formulation of regulations by the state, especially concerning uneven decentralization and local self-governance.

Baldwin categorizes regulation into three distinct types. Firstly, regulation is defined as a collection of rules that the government imposes as mandatory, motivated by economic or social factors. Secondly, within the realm of political economy, regulation pertains to the government's initiatives to influence economic operations. Lastly, regulation, in a general context, includes all approaches to social oversight, such as cultural norms and prevailing societal values[2]. In Indonesia, the term regulation is interpreted as a legitimate source of law, represented through legislation that arises from documented decisions taken by designated state entities, which are obligatory for the populace.[3]

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Decentralization comes from the Latin roots "De" (away from) and "Centrum" (center), conveying the idea of "moving away from the center. " In the context of governance, decentralization signifies the delegation of power from the central authority to local areas, allowing them to address their governance based on the specific requirements of their communities. The Indonesian administration adheres to three key principles in managing governmental responsibilities: decentralization, deconcentration, and the principle of delegated tasks.[4]

The policy of decentralization in Indonesia originated prior to the declaration of independence, starting in 1903 when the Dutch Government implemented the Decentralisatie Wet (Staatsblaad No. 329 of 1903), which marked the initial legal framework for decentralization in the country[5]. According to Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), "the State of Indonesia is recognized as a unitary state organized as a republic.[6] " Since Indonesia adopts the concept of a decentralized unitary state, some responsibilities are administered autonomously, leading to a mutual connection between authority and supervision.[7]

Chapter VI of the 1945 Constitution of the Republic of Indonesia details a non-uniform framework for regional governance, as indicated in Article 18. The model of asymmetric decentralization was elaborated further through modifications that transformed Article 18 into Articles 18, 18(a), and 18(b) in the second amendment to the 1945 Constitution, as per Pratikno's logical insights. These frameworks for asymmetric decentralization aimed to: (1) tackle regional challenges utilizing governance capabilities; (2) confront the issues posed by globalization; (3) be rooted in the diverse socio-cultural landscape of Indonesia; and (4) meet the requirements of both local and national levels.[8] Beginning with the period of early independence, asymmetric decentralization was implemented via Law No. 1 of 1945, followed by Law No. 22 of 1948 and Law No. 13 of 2012, which governed the Special Status of Yogyakarta. Special autonomy and distinct regional status were also provided to Aceh and Papua in an effort to mitigate possible prolonged conflict.[9] The conflict in Aceh was resolved through the Memorandum of Understanding (MoU) that was signed in Helsinki on August 15, 2005, subsequently leading to the adoption of Law No. 11 of 2006.[10]

West Sumatra is home to a distinctive cultural legacy, notably the Minangkabau society, which is founded on the principle of "adat basandi syarak, syarak basandi Kitabullah" (customs rooted in faith, faith stemming from the Quran). This principle offers a solid historical and cultural foundation for its unique autonomy. The nagari, which is the smallest administrative category of governance in Minangkabau, predates Dutch colonial rule and exemplifies a democratic framework that is older than

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those found in Europe. Although the nagari was replaced by "desa" (village) under Law No. 5 of 1979, it was reinstated in West Sumatra in 2001 as a result of reforms in regional autonomy.[11]

This research seeks to investigate: (1) the impact of asymmetric decentralization rules on the allocation of power and authority between central and regional administrations in West Sumatra; (2) the views of the community regarding the efficacy of these rules; and (3) the difficulties encountered by regional administrations in executing asymmetric decentralization.

B. Research Methodology

This research utilizes a normative legal perspective, focusing on the legal dimensions and laws related to asymmetric decentralization and regional self-governance in West Sumatra.[12] The study evaluates current statutes, regulations, and scholarly sources to investigate how asymmetric decentralization regulations affect regional autonomy in West Sumatra. Information was gathered via library research, which included primary legal sources such as statutes and judicial rulings, secondary legal sources like books, journals, and academic essays, as well as tertiary legal sources including legal dictionaries and encyclopedias. The gathered information was subsequently analyzed qualitatively through legal interpretive techniques to derive conclusions regarding the effects of asymmetric decentralization policies in West Sumatra.

C. Discussion and Analysis

1. The Influence of Asymmetric Decentralization Regulations on the Distribution of Power Between Central and Regional Governments in West Sumatra

began after the modification of Article 18 in the UUD NRI 1945, which significantly altered the view of the regional governance framework in Indonesia. The change in Article 18 signifies that the categorization of Indonesia's land into various sizes of regions, along with the governance methods, will be governed by laws that take into account deliberative principles and the rights derived from special areas.[13]

The foundational theory of decentralization, especially asymmetric decentralization, is an essential notion in the governance of Indonesia. Asymmetric decentralization denotes the uneven allocation of authority and resources between the national and regional administrations, with certain areas holding more power than others. This notion embodies attempts to strike a balance between enhanced regional independence and the necessity for effective oversight and collaboration from the national government.[14]

Asymmetric autonomy pertains to the allocation of particular authorities by the national government to regions characterized by distinct traits. Van Houten clarifies that special autonomy is a legal power awarded to specific regions, whether they are based on ethnicity or community, which still functions within the framework of state law, granting the ability to wield exclusive jurisdiction. The decentralization theory highlights that the effectiveness of regional autonomy relies not just on

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the delegation of authority, but also on enhancing capabilities and fostering cooperation between national and regional administrations.[15]

The introduction of Law No. 22 in 1999 and Law No. 32 in 2004 regarding Regional Government received a favorable response from the West Sumatra Regional Government, which subsequently enacted Regional Regulation (Perda) No. 9 in 2000 regarding Nagari Government, which was revised later as Perda No. 2 in 2007. These regulations were intended to revive local governance in alignment with traditional customs and local wisdom, consistent with the Good Governance principles.[16]

The dynamics between the central government and regional governments have deteriorated in fostering local development because regional autonomy laws have failed to speed up or equalize growth. Numerous policies concerning regional development, investment, financial matters, and the management of natural resources are still under the authority of the central government, causing delays in public service delivery, uneven development, limited regional revenue generation, and a decline in social welfare.[17]

The uneven decentralization at the provincial level has changed the function of governors, who used to serve as the central government's representatives, into entities responsible for development management with enhanced authority. West Sumatra is among the provinces that have been given the power to oversee its own affairs due to fiscal decentralization, which commenced in 2001. The effects of fiscal policy are evident in the ratio of Regional Own-Source Revenue (PAD) in relation to the total regional income.[18]

The effects of fiscal decentralization can be seen in economic development, though it has not achieved complete success. The economic situation in West Sumatra Province is characterized by fluctuations, with BPS data indicating a notable drop in 2020, where the Gross Regional Domestic Product (GRDP) experienced a decline of -1.62%. A study is focused on examining how fiscal decentralization influences economic progress in various districts of West Sumatra, considering factors like local taxation and population density's effect on development.[19]

When it comes to the stewardship of cultural heritage, there are three primary challenges associated with decentralization in Indonesia: firstly, the intricacy of local autonomy concerning heritage management; secondly, the overpowering role of the central government regarding cultural resources management, which includes control over workforce, tools, and funding; and thirdly, the historical importance of Tanah Datar as the heart of Minangkabau culture, as shown in the Tambo Minangkabau.[20]

In West Sumatra, the application of asymmetric decentralization leads to notable disparities in power between the central and local governments. For example, in the administration of historical

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sites within Tanah Datar Regency, conflicts often occur between the policies of the central and local authorities. The central government frequently does not allow for regional participation in decision-making processes, whereas local governments have not effectively involved community stakeholders, which undermines the sustainable management of natural resources.[21]

2. Community Perspectives on the Effectiveness of Asymmetric Decentralization in West Sumatra

The perspectives of the society in West Sumatra regarding the success of asymmetric decentralization laws differ based on the areas being examined, including developmental, social, economic, and governance factors. In Indonesia, asymmetric decentralization is tailored to fit the geographic, social, and economic circumstances unique to each region, allowing specific locations to possess enhanced powers.[22]

Given the distinct social, cultural, and economic traits of West Sumatra, it is anticipated that the region will employ increased autonomy to manage governance, budget distribution, and development strategies, especially in sectors like tourism, agriculture, and cultural affairs. Nevertheless, not every region in West Sumatra experiences equal advantages, as there are ongoing disparities in the allocation of authority and resources. Numerous regions continue to rely on financial transfers from the central government, which restricts their financial independence and local policy development.[23]

Fiscal decentralization has yielded favorable results for the advancement of regional autonomy in the various districts and municipalities of West Sumatra, with a regression coefficient of 0.040. This signifies that enhanced fiscal decentralization enhances the effectiveness of regional autonomy. On the other hand, a reduction in fiscal decentralization will diminish the efficiency of regional autonomy within the province. The fiscal self-sufficiency of the 19 districts and municipalities in West Sumatra reveals an average that is less than 50%, specifically at 8.78%, suggesting that the role of Regional Own-Source Revenue is still quite limited.[24]

For numerous communities, uneven decentralization is regarded as a key chance to enhance the quality of public services and foster local economic development. This framework permits local governments to create development initiatives that better align with the fast-expanding tourism industry, especially in Padang City. In West Sumatra, fiscal decentralization empowers cities like Padang to advance their tourism sector via more autonomous financial management and a focus on improving tourism infrastructure, as indicated by research conducted by Shiraath and Anis in 2023.[25]

The integration of effective governance principles within the management of West Sumatra is complemented by the Minangkabau traditional philosophy, serving as a framework for governance in Nagari. Various elements bolstering regional self-governance in West Sumatra consist of: (1) the community's egalitarian nature and entrepreneurial mindset; (2) the area's tourism and natural scenic beauty; (3) significant local management capabilities; (4) strong connections between local and

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diaspora populations that can stimulate regional advancement; and (5) a favorable social and political climate for investors who honor local norms, ethics, traditions, and religious beliefs.[26]

3. Challenges Faced by Regional Governments in Implementing Asymmetric Decentralization in West Sumatra

A major challenge in executing government administration concerning the relationship between central and regional authorities is the absence of collaboration among agencies. Numerous organizations at both central and regional tiers frequently do not function in a unified way, which reduces the efficiency and speed of public policy execution. The overlapping duties and roles of governmental bodies at both levels create difficulties in decision-making and practical execution, while the lack of effective communication and coordination worsens these problems.[27]

The formation of unequal decentralization should take into account the varying political, social, economic, and cultural frameworks present in every area. Law No. 1 of 2022 governs the financial relationships between central and local governments, encompassing the allocation of resources. Although Law No. 33 of 2004 has been annulled, the challenges surrounding decentralization and regional autonomy persist, which include: (1) increased centralization of financial control potentially diminishing local financial independence; (2) reductions in transfer payments without proper explanation; (3) inadequate funds for villages obstructing local development; (4) ambiguous authority distribution leading to conflicts; (5) restricted regional involvement in fiscal decisions; (6) uneven financial management across different areas; (7) problems in reconciling policies with local self-governance; (8) insufficient oversight elevating corruption risk; and (9) budget constraints limiting adaptive responses to evolving local circumstances.[28]

The guidelines and strategies for regional development outlined in the RPJD encounter difficulties due to the development process inadequately mirroring local cultural values and the potential of available resources. The distinctiveness of the region acknowledged in the UUD NRI 1945 cannot be fully exercised by local governments, since the definition of regional features under Article 18B remains subject to central government oversight via the Ministry of Home Affairs.[29]

After the enforcement of Laws No. 22 and 25 of 1999 in West Sumatra Province, a number of issues arose, including: (1) political conflicts between central and regional interests; (2) a limited understanding of decentralization, resulting in an excessive focus on power and regional identity; (3) a restricted interpretation of Article 4 (Law 22/99) leading to an imbalance in relationships between Province and Regency/City; (4) inadequate collaboration between legislative and executive branches; (5) regionalism principles affecting personnel appointments; (6) unfavorable economic conditions leading to low incomes and purchasing abilities in the community; and (7) minimal community involvement in development.[30]

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The execution of asymmetric decentralization in West Sumatra encounters challenges such as conflicting policies between central and regional authorities, limited engagement from local stakeholders, and significant financial reliance on the central government. This suggests that even though regions are provided with greater authority, the lack of coordinated policy support and improved regional capabilities have hindered the successful realization of asymmetric decentralization's aim to enhance governmental efficiency and public services.[31]

D. Conclusion

Asymmetric decentralization in Indonesia goes beyond being just a policy; it symbolizes an acknowledgment of the country's varied social, cultural, and historical aspects. This research highlights that West Sumatra, characterized by its robust nagari social structure and its rich cultural and historical legacy founded on the principles of "adat basandi syarak, syarak basandi Kitabullah," possesses significant cultural and historical justification for receiving special autonomy within the context of asymmetric decentralization.

Despite the creation of numerous laws to facilitate regional autonomy, the actual situation reveals that the enforcement of these policies encounters major challenges. These challenges include substantial financial dependence, insufficient cooperation and coordination among governmental sectors, and limited capacity of regional institutions. The situation in West Sumatra exemplifies a notable disparity between the ideal aspirations for autonomy and the reality experienced at the local level.

Asymmetric decentralization should extend beyond simply developing legal frameworks. It must be implemented through comprehensive policies that engage all relevant parties, ensure fiscal fairness, and enhance institutions grounded in local knowledge. By adhering to these principles, asymmetric decentralization can not only promote regional autonomy but also act as an effective means of fostering national unity amidst Indonesia's rich diversity, particularly in West Sumatra.

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