

The Regional Expansion and The Legal Dimension of Regional Autonomy: A Study of Justice and Balance of Authority

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Abstract

Regional expansion in Indonesia is the division of an area into two or more regions. The main objective of regional expansion is to improve the welfare of the community through enhanced public services, accelerated regional economic growth, and expedited management of regional potential. This research aims to analyze the essence of regional expansion and its relation to regional autonomy, as well as regional expansion from the perspective of justice and the balance of authority. This research is a normative legal study with a conceptual and legislative approach. The research results show that the essence of regional expansion and its relation to regional autonomy as an effort to realize and optimize regional autonomy. Regional expansion, when viewed from the aspect of justice, essentially emphasizes the fair and equitable distribution of resources, a transparent, accountable, and participatory decision-making process, effective and restorative conflict resolution, and the enhancement of equal opportunities for all members of the community. In terms of the balance of authority, regional expansion can serve as one means to achieve a balance of authority, particularly in relation to efforts to strengthen decentralization within the framework of the Unitary State of the Republic of Indonesia.

I. Introduction

Regional autonomy is one of the central government's efforts to increase unity in Indonesia (Bambang Karsono, 2021). This policy aims to serve the government's interests and, if coordinated effectively, can accelerate regional development. Regional autonomy has been important since the beginning of Indonesian independence, as many regions existed before the Republic of Indonesia was formed (Ariananto Waluyo Adi & Rachelita Devia Irani, 2023). The reform era became the starting point for changes in the relationship between the central and local governments. Law No. 22/1999 (later revised into Law No. 32/2004) marked this new era (Endah Permatasari & Juwono, 2022). Local governments are given broad autonomy to manage the potential of the region in order to realize the prosperity of the community.

Decentralization and regional autonomy policies are tools to realize the ideals of justice, democracy, and people's welfare (Sufianto, 2020). The central government issued a presidential regulation to accelerate the realization of reform ideals, especially democratization oriented towards the welfare of the people, by providing opportunities for the community to participate in governance (Ata, 2022). Regional autonomy in Indonesia is the devolution of some powers and responsibilities from the central government to local governments to organize and manage their own local affairs (Agustina, 2021). The goal is to improve community welfare, public services, and regional competitiveness. Regional autonomy actually aims to develop a better democratic life.

Regional autonomy allows people in the regions to choose their own leaders through regional head elections (Pilkada) (HM & Firdaus, 2021). Another goal of regional autonomy is the distribution of justice so that regions can create their own programs that are in accordance with the cultural character of the region (Tinambunan & Prasetyo, 2019). This is to ensure that local people can be directly or indirectly involved in local regulations and decisions related to local development. Regional autonomy in Indonesia is constitutionally emphasized in Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that regional autonomy is an important principle in the administration of regional government (Nurbaningsih, 2019). This is intended so that the regions can optimally manage their own regions in realizing the welfare of the people. One important aspect related to regional autonomy is related to regional expansion.

Regional expansion is constitutionally not confirmed in detail in the 1945 Constitution of the Republic of Indonesia, but alluded to in several provisions,

especially in Article 22D of the 1945 Constitution of the Republic of Indonesia relating to the authority of DPD to be involved in the expansion of a region. Further arrangements regarding the expansion of a region are regulated in Article 32 and Article 33 of Act No. 23 Year 2014 on Local Government (Local Government Act) which regulates the efforts of regional expansion of both provinces and regencies. Regional expansion in Indonesia is the division of a region into two or more regions. The main purpose of regional expansion is to improve the welfare of the community through improved public services, accelerate regional economic growth, and accelerate the management of regional potential (Kurniawan, Samsithawrati, Disantara, et al., 2025). In addition, expansion also aims to improve security and order and strengthen the relationship between the center and the regions. Regional expansion is expected to accelerate regional development as the government becomes closer to the people.

Regional expansion is one of the efforts to create equitable development, especially in large areas such as Papua. By bringing government closer to the community, it is hoped that government management can run more effectively and efficiently, and services to the community are better (Masitoh, 2024). Through an improved regional economic development framework based on local potential. Expanded regions are expected to run the economy, administrative activities, public service delivery, and infrastructure development (Akhdlori & Delawillia Kharisma, 2023).

Expansion also aims to create better security and order conditions in the regions. Expansion is expected to improve the harmonious relationship between the central and local governments. Regional expansion is also driven by the aspirations of local communities who want to form their own autonomous regions for reasons of improving welfare. However, it should be considered that regional expansion can also create new problems, such as boundary disputes and other conflicts.

From the description above, there is an ethical goal of regional expansion, which is an effort to realize justice and the welfare of the people, including ensuring the proportionality of power at the regional level so that it can be responsive to the needs of the community. This research specifically analyzes the essence of regional expansion and its relation to regional autonomy as well as regional expansion in terms of justice and balance of authority.

2. Research Method

This research is a normative legal research that analyzes the essence of regional expansion and its relation to regional autonomy and regional

expansion in terms of justice and balance of authority (Marzuki, 2017). Primary legal materials in this research are the 1945 Constitution and the Local Government Law. Secondary legal materials in this study are journal articles, books, and research results that discuss regional autonomy and regional expansion. Non-legal materials are language dictionaries. Analysis of legal materials is carried out in a prescriptive-qualitative manner, namely by analyzing legal issues by formulating legal solutions in accordance with legal doctrines and laws and regulations (Muhaimin, 2020).

3. Results and Discussion

The Essence of Regional Expansion and its Relationship to Regional Autonomy

The Big Indonesian Dictionary (KBBI) explains that "expansion" means the process, method, act of blooming or spreading which refers to the act of making something bigger, wider, or more developed (Pusat Bahasa Departemen Pendidikan Nasional, 2008). For example, "regional expansion" means the process of expanding or dividing a region into smaller parts.

Regional expansion, in the context of regional autonomy in Indonesia, is the process of forming new autonomous regions, either provincial or district/city, from a parent region. This process aims to increase the effectiveness of governance, accelerate development, and improve public services in the region.

Some of the factors behind regional expansion include (Pratama & Melati, 2023):

- a. The span of government control is too wide. A large area with a dense population can make it difficult for the local government to manage the area effectively.
- b. Limited resources. The parent region may not be able to allocate resources evenly across its territory, leading to development imbalances.
- c. Community aspirations. The people in an area may feel under-represented or under-cared for by the parent government, thus encouraging the desire to form their own autonomous region.
- d. Regional potential. A region may have natural or economic resource potential that has not been optimally utilized due to the limited capacity of the parent regional government.

Regional expansion within the framework of regional autonomy has several main objectives, namely (Rustiadi et al., 2023): First, improving public services. With the formation of new autonomous regions, it is expected that public services can be closer and more responsive to the needs of the

community. Second, accelerate development. New autonomous regions are expected to be more focused in developing their regional potential and attracting investment (Nugroho et al., 2021). Third, improving the welfare of the community. Improved public services and accelerated development are expected to improve the welfare of the people in the new autonomous regions. Fourth, shortening the span of government control. With a smaller area, local governments can be more effective in managing and overseeing governance. Fifth, increasing community participation. The establishment of new autonomous regions is expected to increase community participation in the policy-making and development process. (Hariyati et al., 2021).

Indonesia, as the largest archipelago in the world, has a vast and diverse territory. This geographical condition, in addition to holding great potential, also presents its own challenges in governance and development. In this context, regional expansion is one of the strategies taken to overcome various problems related to Indonesia's vast territory.

Indonesia's vast territory, with thousands of islands and millions of inhabitants, often makes it difficult for the central and regional governments to reach all regions evenly and effectively (Dicky Eko Prasetyo, 2022). Some of the problems that arise due to the size of the region include (Indra, 2023):

- a. Long span of control. Local governments, especially those with large areas, find it difficult to manage and supervise their entire territory. This can result in slow decision-making and a lack of responsiveness to community needs.
- b. Uneven distribution of development. Resource allocation and investment are often concentrated in certain areas that are easier to reach or have higher economic potential. As a result, there is a development imbalance between the central region and remote areas.
- c. Sub-optimal public services. Community access to public services, such as education, health and infrastructure, is often limited, especially in remote and hard-to-reach areas.
- d. Security and order that is difficult to control. The vastness of the territory and the diversity of the community can be a challenge in maintaining security and order, especially in border areas or those that have the potential for conflict.

Regional expansion in Indonesia has been a dynamic and complex issue since the reform era. During the New Order era, the government system was highly centralized (Wahida et al., 2023). Regional expansion is rare and tightly controlled by the central government. The aim is more for administrative efficiency than regional aspirations. Some expansion

occurred, but with a very centralized motive and did not reflect broad regional autonomy. The fall of the New Order paved the way for decentralization of power and the granting of greater regional autonomy. Law No. 22 of 1999 (later replaced by Law No. 32 of 2004 and finally Law No. 23 of 2014) became an important legal foundation for regional autonomy. The reform era was characterized by a significant wave of regional expansion (Sholihah & Mulianingsih, 2023). Many new districts/municipalities were formed, especially in the early period of regional autonomy. People in remote areas felt under-represented and wanted a government closer to them. The development of regional expansion in Indonesia is a complex and dynamic process. The success of expansion depends on careful planning, adequate support, and good governance.

Regional expansion is seen as one of the solutions to overcome various problems arising from Indonesia's vast territory. By breaking up a large region into several smaller autonomous regions, it is hoped that the new regional governments can focus more on managing and developing their regions, and be more responsive to the needs of the community (Disantara et al., 2024). The new autonomous regions have the authority to manage their own natural and financial resources, so that they can allocate budgets in accordance with development priorities in their regions. (Yulianto, 2021). The new local government can be closer to the people and better understand their needs, so that it can provide more optimal public services. New local governments can focus more on maintaining security and order in their areas, and coordinate more easily with security forces.

For example, the division of Papua province into several new provinces is expected to accelerate development in the region (Nashrullah & Lohalo, 2022)(Thontowi et al., 2023). With the new provinces, it is expected that local governments can focus more on developing the potential of natural resources, improving the quality of education and health, and building adequate infrastructure. This in turn can improve the welfare of the Papuan people and reduce the gap with other regions in Indonesia.

While regional expansion can be a solution to problems arising from Indonesia's vast territory, it is important to remember that the process also comes with a number of challenges and risks. Therefore, regional expansion must be done carefully and in a planned manner, taking into account various aspects, such as(Sunarso, 2024):

- a. Readiness of human resources and regional finances. New autonomous regions must have competent human resources and adequate financial capacity to run government and development.
- b. Potential for conflict and disintegration. Regional expansion can trigger conflicts between community groups with different interests or strengthen sentiments of separatism if not managed properly.
- c. Environmental impact. Regional expansion can have a negative impact on the environment if it is not carried out with due regard for the principles of sustainable development.

By considering these various aspects, regional expansion can be an effective strategy to overcome various problems arising from the vast territory of Indonesia, as well as to realize equitable and equitable development. From the description above, it can be concluded that the essence of regional expansion is an effort to realize and optimize regional autonomy. Regional autonomy will be optimal if the leadership, management, and implementation of government are more responsive and closer to the people so that all the needs of the people can be optimally accommodated.

Regional Expansion Viewed from the Aspects of Justice and Balance of Authority

Regional expansion is closely related to decentralization of authority. Both are part of Indonesia's governance reform efforts, which aim to improve the efficiency, effectiveness and accountability of local governance. Decentralization of authority is the transfer of some government affairs from the central government to local governments (Nurmasari, 2019). This is the essence of regional autonomy. Decentralization aims to enable local governments to better understand the needs and characteristics of local communities, so that they can provide more relevant and responsive public services (Kurniawan et al., 2024). Decentralization provides space for communities to participate in policy-making and development processes in the regions (Jailani & Siti Fatimah, 2023). Local governments can manage resources and budgets more efficiently and effectively, in accordance with local development priorities. This includes decentralization efforts to reduce the burden on the central government in managing local government affairs.

Regional expansion can be seen as an instrument to accelerate and expand decentralization of authority. With the formation of new autonomous regions, government authority is brought closer to the people in the new region (Kurniawan, Samsithawrati, Dharmawan, et al., 2025). This means that people have easier access to express their aspirations and obtain public services. The

new regional government can focus more on developing potential and addressing problems in the region. This can accelerate development and improve people's welfare. Regional expansion can encourage positive competition among regions in improving the quality of public services and attracting investment. Regional expansion and decentralization of authority are two sides of the same coin. Expansion can be an effective instrument to accelerate and expand decentralization, provided that it is done with careful planning, adequate support, and good governance (Ummah et al., 2023). Conversely, effective decentralization of authority can support successful regional expansion. Both must go hand in hand and support each other to realize better local governance and higher public welfare.

The process of regional expansion involves several stages, including (Podger, 2023):

- a. Submission of the proposal. Proposals for regional expansion may be submitted by the parent government, DPRD, or the community.
- b. Feasibility study. The government conducts a feasibility study of the proposed expansion, which includes administrative, technical, and physical aspects of the territory.
- c. Joint approval. If the results of the feasibility study meet the requirements, the parent government and DPRD give joint approval.
- d. Central government approval. The proposed expansion is submitted to the central government for approval.
- e. Establishment of the new autonomous region. If approved by the central government, the new autonomous region is established by law.

Despite its noble goals, regional expansion also faces a number of challenges, including (Musrafiyan et al., 2021):

- a. Human resource readiness. New autonomous regions need competent human resources to run government and development.
- b. Fiscal independence. New autonomous regions must be able to manage regional finances independently and not depend entirely on transfer funds from the central government.
- c. Inter-regional coordination. Regional expansion can cause coordination problems between the parent region and the new autonomous region.
- d. Potential conflict. Regional expansion can trigger conflicts between groups of people with different interests.

Regional expansion needs to be evaluated periodically to determine its impact on improving public services, accelerating development, and community welfare (Setiya Widayaka et al., 2024). The results of the evaluation can be used as a consideration for improving regional expansion policies in the

future.

Regional expansion, from the perspective of justice theory, raises a variety of complex considerations. This can be seen for example in the perspective of distributive justice, which is concerned with how resources and benefits are distributed fairly among members of society.(Arevuo, 2024) Regional expansion is expected to bring people closer to public resources and services, such as education, health and infrastructure. If expansion succeeds in improving the availability and quality of public services in previously marginalized areas, it can be considered a form of distributive justice. However, expansion also has the potential to widen inequality if not managed well. For example, if new autonomous regions only benefit local elites or if natural resources are exploited unsustainably. It is important to ensure that regional expansion is followed by a fair and equitable distribution of resources, as well as the protection of the rights of minority and vulnerable groups.

Regional expansion in terms of procedural justice emphasizes the importance of a fair and transparent decision-making process. A regional expansion process that involves the active participation of the community, including in planning, decision-making, and monitoring, can increase legitimacy and accountability (I Dewa Gede Atmadja, 2021). Often, the process of expansion is dominated by political and business elites, without involving meaningful participation from the community. This can lead to dissatisfaction and conflict. It is important to ensure that the process of regional expansion is conducted in a transparent, accountable and participatory manner, involving all relevant stakeholders.

Regional expansion is viewed from John Rawls' theory of justice which emphasizes the importance of fairness and equal opportunities for all members of society. Rawls proposes two main principles of justice: first, the principle of equal freedom that everyone should have the same right to the broadest possible system of basic freedoms, to the extent that those freedoms are compatible with the same freedoms for others (Said & Nurhayati, 2021). Second, the principle of difference where social and economic inequality should be organized in such a way that it provides the greatest benefit to the most disadvantaged (principle of difference), and is open to all under conditions of fair equality of opportunity (principle of equal opportunity) (Sari, 2020).

Expansion should ensure that all citizens, especially those in remote and disadvantaged areas, have equal opportunities to access public services and participate in decision-making processes. Expansion should not widen the gap between rich and poor communities. Expansion policies should be designed in

such a way that they provide greater benefits to those most in need. Regional expansion, when viewed from the aspect of justice theory, is a complex and multidimensional process. To realize justice through regional expansion, it is necessary to pay attention to the fair and equitable distribution of resources, transparent, accountable and participatory decision-making processes, effective and restorative conflict management, and increased equal opportunities for all members of society. By paying attention to these principles of justice, regional expansion can be an effective instrument to improve people's welfare and realize social justice in Indonesia.

4. Conclusion

The essence of regional expansion and its relation to regional autonomy as an effort to realize and optimize regional autonomy. Regional autonomy will be optimal if the leadership, management, as well as the implementation of a government that is more responsive and closer to the people so that all the needs of the people can be optimally accommodated. regional expansion can be one of the effective strategies to overcome various problems arising from the vast territory of Indonesia, as well as to realize equitable and equitable development.

Regional expansion in terms of justice and balance of authority, referring to the theory of justice, is a complex and multidimensional process. To realize justice through regional expansion, it is necessary to pay attention to the fair and equitable distribution of resources, transparent, accountable and participatory decision-making processes, effective and restorative conflict handling, and increased equal opportunities for all members of society. By paying attention to these principles of justice, regional expansion can be an effective instrument to improve people's welfare and realize social justice in Indonesia. In the aspect of authority balance, regional expansion can be one of the means to balance authority, especially in relation to efforts to strengthen decentralization within the framework of the Unitary State of the Republic of Indonesia.

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