

## The Evolution of Geospatial Aspects in the Law on the Establishment of New Regions (Autonomy) Pre and Post Broad Autonomy in Indonesia

Farouki Dinda Rassarandi<sup>1</sup>, Helik Susilo<sup>2</sup>, Kariyono<sup>3</sup>, Khairul Fajri<sup>4</sup>, Febrian Fitriyanik Susanta<sup>5</sup>

<sup>1</sup> Geomatics Engineering, Politeknik Negeri Batam.

<sup>2</sup> Civil Engineering, Politeknik Negeri Malang

<sup>3</sup> Ministry of Agrarian Affairs and Spatial Planning/National Land Agency

<sup>4</sup> Housing, Settlement and Land Agency of Riau Province

<sup>5</sup> Geodetic Engineering, Universitas Gadjah Mada

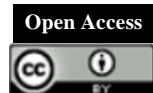
\*Corresponding author email: [farouki@polibatam.ac.id](mailto:farouki@polibatam.ac.id)

Received: May 14, 2019

Accepted: July 1, 2019

Published: July 3, 2019

Copyright © 2019 by author(s) and  
ScientificResearch Publishing Inc.



### Abstract

Expansion or establishment of new regions (Provinces, Regencies/Cities) is a consequence of the politics of decentralization implemented in Indonesia. The development of decentralization in Indonesia underwent fundamental changes after the reformation in 1998. Inception of UU No 22 tahun 1999 concerning regional government has given a new color to the administration of government in Indonesia or what is called broad autonomy. Restructuring regional governments that provide discretion in the form of broader authority in running their government in accordance with regional needs has created many implications for the region, one of which is stretching and the spirit of the region to bloom. In determining the boundaries of forming new regions, the geospatial aspect is an important and strategic aspect. Problems related to geospatial aspects such as maps of regional boundaries, area size, etc are issues that need to be clearly defined and calculated in the new (autonomous) regional (determination. But in fact the law on the formation or establishment of regions in the period 1950-1999 on the geospatial aspect did not become an important part so that it caused problems later which could potentially trigger social conflicts such as regional boundary disputes. Post-reformation, the development of the role of the geospatial aspects has evolved a little more advanced, such as the existence of regional boundary maps in the appendix to the law on the formation or expansion of new regions, such as UU No 7 tahun 2002, UU No 2 tahun 2003, and others. However, there is still something that must be evaluated regarding the map in the attachment to be in accordance with the geospatial rules. A very progressive development in terms of the geospatial aspect is in UU No 20 tahun 2012 concerning the formation of the Kalimantan Utara province that utilizes geospatial data properly.

**Keywords:** Expansion, Autonomy, Decentralization, Geospatial, Boundary Area.

### 1. Introduction

Expansion or establishment of a new area (Province, Regency/City) is a logical consequence of the politics of decentralization implemented in Indonesia. The development of decentralization in Indonesia experienced fundamental changes after the reformation in 1998. Inception of UU No 22 tahun 1999 (replaced by UU No 32 tahun 2004, and revised again into UU No 23 tahun 2014), has given new colour for the administration of government in the

region or what is called broad autonomy. Restructuring local governments that provide discretion to the regions, giving wider authority in running their government in accordance with the local needs and wisdom of the region has created many implications.

Based on data from the Ministry of Home Affairs, the growth of the expansion of new regions (provinces, regencies/cities) increased post-

reformation in 1999 - now compared to the year before reformation in 1950-1998. Ratnawati (2009) states that there are 4 (four) driving factors that are the cause/drivers of the high enthusiasm of the regional elite to carry out the expansion of new regions, namely, 1. In the framework of effectiveness / efficiency (dissolution of administration) given the vast territory, and the population that spreads in underdevelopment; 2. Convergence of homogeneity; 3. The existence of tax indulgence approved by the law for areas such as DAE, for natural resource products, etc .; 4. *Bureaucratic political rent seeking*.

In establishing regional boundaries in the framework of forming new regions (Provinces, Regencies/cities) the geospatial aspects are important and strategic aspects. Issues related to geospatial aspects such as regional boundary maps, area size are things that need to be defined and clearly and firmly calculated in the determination of new regions.

## 2. Methods

the used method in this study is the study of legal regulations (UU Otonomi Daerah, UU Pembentukan Daerah Baru Wilayah Kalimantan), related document studies, and supporting literature studies.

## 3. Regional Expansion as a Consequence of the Politics of Decentralization

The debate about the shape of the Indonesian state has been going on since the PPKI (Panitia Persiapan Kemerdekaan Indonesia) meeting on 7<sup>th</sup> August 1945, where there were two opinions stating the form of an Indonesian state between unitary or federal. But in the end it was decided that Indonesia was a unitary state based on deconcentration. At the beginning of Indonesian independence it was divided into 8 (eight) provinces, namely Sumatra, Kalimantan, Jawa Barat, Jawa Tengah, Jawa Timur, Sulawesi, Maluku and Sunda Kecil. During 1945-1999 there were several provinces, regencies/cities that bloomed. According to Ministry of Home Affairs data (2016) in the period of 1945-1999 or pre-reformation, 26 provinces, 234 regencies and 59 cities have been formed.



Figure 3.1 Illustration of province in Indonesia at the beginning of independence.

Source: kemendagri.go.id. (accessed on 20 October 2016)

Debates about the shape of the state re-emerged after entering the reformation era, when political reform was rolling, whether it would maintain the form of a unitary state or turn it into a federal state given

the vast territory and divided into so many islands or around 17.508 islands. Then came the idea that Indonesia would maintain a unitary state but would adopt the principles of federalism by considering the values of diversity, cultural values, historical values and geospatial factors which were then called the politics of decentralization.

According to Logeman (1975) cited by Nurcholis (2005), the politics of decentralization is the delegation of power, legislation and government (*regelende enbestureende bevoegdheid*) to autonomous regions in their environment. Where decentralization of state administration is distinguished by territorial decentralization (autonomy, minus medebewind) with its regulatory boundaries being regional and functional decentralization, the setting limits lie in the type of function. According to Soehino (1991) theoretically classifies that a unitary state can be divided into two forms, namely, 1. Unitary states with centralized systems and 2. Unitary states with decentralized systems. The unitary state in the form of centralization is meant that local governments only carry out what is instructed by central government policy while the unitary state with a decentralized system that local governments are given the authority to regulate and manage governance in their own regions (regional autonomy) or areas referred to as regions autonomous. So then UU No.22 tahun 1999 was born about regional government, the regulation became a fundamental point of change in the politics of decentralization in Indonesia. The development of regional autonomy increased sharply, triggering regions to compete to form new regions or *pemekaran*.

According to the Minister of Home Affairs (2009) the proliferation of regions after the new reforms, 1. Openness and democracy ended the new order, 2. Government policies that shifted from centralization to decentralization, 3. Provisions in article 18 paragraph 5 of the 1945 Constitution. the period of 1999 - 2016 or post-reformation has formed a total of 34 provinces, 415 regencies and 93 cities. Illustrations of regional developments in Indonesia in the pre to post-reformation period can be seen in the picture below,

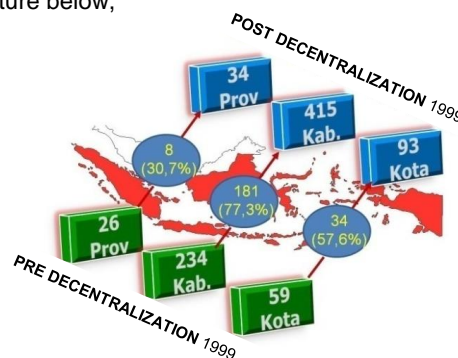


Figure 3.2 Illustration of regional development before and after decentralization

Source: otda.kemendagri.go.id (accessed on 21 October 2016)

### 3. Boundary Making Theory

The word "border" according to Guo (1996), contains an understanding as a limitation of a political area and the area of movement. So the border is a barrier to the administrative area of a region or jurisdiction or authority of the area. The boundary mark can be classified into two, namely natural and artificial boundaries. Natural boundaries are boundary marks of an area marked by signs or natural phenomena such as rivers, watersheds, etc., while artificial boundaries are boundaries of an area marked in man-made boundaries such as stakes, pillars or monuments, etc. Border is a manifestation of regional authority in regulating its community.

In making boundaries there are several theories that have been sparked by border experts including Nichols (1983) who divided systematic boundary making into three stages, namely *Definition - Delineation - Demarcation*, Lapradelle (1928) which divides systematic Boundary making into three steps, namely *Preparation - Decision - Execution*, while Jones (1945) divides boundary making theory into four stages, namely *Allocation - Delimitation - Demarkation - Administration*. This Jones boundary making theory has been widely used in the practice of determining boundaries in the world, the theory has also become an influential theory in the grammar of international law or international court decisions related to boundary disputes. In its development the current boundary making theory is dominant in how after the boundary is determined or the management of the border region itself.

The above boundary making theories can be adopted to determine new regional or autonomous boundaries. So that there is a systematic system in determining regional boundaries to prevent future boundary problems.

### 5. Geospatial Aspect of Regional Expansion Pre-Broad Autonomy

Indra (2007) divided regions in Indonesia in several periods before broad autonomy, namely, the period of struggle (1945-1949), the period of Republik Indonesia Serikat (1949-1950), the period of Orde Lama (1950-1966), and the period of Orde Baru (1966-1998).

The following are some examples / samples of regencies / cities in Kalimantan that bloomed during the period 1950-1998 along with its law of regional establishment as in the table below.

Table 1. Examples / samples of regencies / cities in Kalimantan that bloomed during the period 1950-1998 along with its law of regional establishment. (Source: BPS 2007)

| Regency/City | Province         | Institutes             |
|--------------|------------------|------------------------|
| Tanah Laut   | South Kalimantan | UU RI No.08 Tahun 1965 |
| Kota Baru    | South Kalimantan | UU RI No.27 Tahun 1959 |
| Banjar       | South Kalimantan | UU RI No.27 Tahun 1959 |

|                     |                  |                        |
|---------------------|------------------|------------------------|
| Barito Kuala        | South Kalimantan | UU RI No.27 Tahun 1959 |
| Tapin               | South Kalimantan | UU RI No.08 Tahun 1965 |
| Hulu Sungai Selatan | South Kalimantan | UU RI No.27 Tahun 1959 |
| Hulu Sungai Tengah  | South Kalimantan | UU RI No.27 Tahun 1959 |
| Hulu Sungai Utara   | South Kalimantan | UU RI No.27 Tahun 1959 |
| Tabalong            | South Kalimantan | UU RI No.08 Tahun 1965 |
| Banjarmasin         | South Kalimantan | UU RI No.27 Tahun 1959 |

In the process of determining the new area contained in the law of regional establishment in the pre-broad autonomy period or before decentralization, the geospatial aspect was not put into an important part. This condition is a worrying condition, given that there are many regional boundary issues related to the geospatial component after the area was formed. Geospatial issues that are not clearly a problem have the potential to cause social conflict and hamper regional development such as regional boundary conflicts.

In the law on the stipulation of new regions during the pre-autonomy period, the boundaries of the area of the results of the establishment are not known exactly, but only included in the articles that read each regency/city boundary next to it in the four directions in the north, east, south and west. Likewise, there is no clear and firm regional map, but only mentioned sub-districts in the area formed. We can see this in the UU RI No 27 tahun 1959 concerning the extension of the formation of region II in Kalimantan, UU RI No 68 tahun 1965 concerning the establishment of level II regions of Tanah Laut, Tapin and Tabalong, UU RI No 09 tahun 1999 concerning the establishment of the level II area of the municipality of Banjarbaru. In this law, there will not be a geospatial aspect which is quite clearly related of new regions establishment.

### 6. Geospatial Aspects of Expansion of Post-Broad Autonomy

After the Reformation in 1998, Indonesia began to change its political direction from centralization to decentralization, then it was agreed that the UU No 22 tahun 1999 concerning regional government, the law became a new basis in the implementation of decentralization politics in Indonesia. The development of regional expansion is also more stretching in various regions, the regional expansion chart tends to increase.

The development of the law of regional establishment in terms of the geospatial aspect also experienced a fairly good development even though it was still far from the geospatial rules. The following are some samples of regency / city areas in Kalimantan that bloom after broad autonomy with its law of regional establishment.



2002, UU RI No. 2 tahun 2003, but there are still things that must be evaluated related to the map in the attachment in order to comply with geospatial rules. A very good development is in UU RI No 20 tahun 2012, where the attachment of the map included has met the geospatial rules, the map is derived from an Indonesian map of scale 1:250.000 which is produced by the BIG which was then used as the basis for making a small-scale border map of the North Kalimantan, that is 1: 2.500.000.

## References

- Guo, R. (1996). *Border Regional Economics*. Germany: Physica-Verlag HD.
- Guo, R. (2004). *Cross-Border Resource Management*. The Final Report Fourth Individual Research Grant East Asian Development Network (EADN).
- Indra, M. (2015). *Menyelesaikan Sengketa Batas Daerah*. Genta publishing.
- Jones, S. B. (1945). *a Handbook for Statesmen, Treaty Editors and Boundary Commissioners*. Washington D.C : Carnegie Endowment For International Peace.
- Lapradelle P, D. (1928). *La Frontier*. Paris: Etude de Droit International, Les Editions Internationales.
- Logeman. (1975). *Tentang Teori Suatu Hukum Tata Negara Positif*. Jakarta: Ichtiar Van Hoeve.
- Nichols. (1983). *Tidal Boundary Delimitation*. Canada: University of New Brunswick.
- Nurbadri. (2008). *Konflik Batas Wilayah di Era Otonomi daerah dan Penyelesaiannya (Studi kasus konflik batas wilayah antara Kabupaten Tebo dengan Kabupaten Bungo)*. Thesis on postgraduate program, Master of Law Program in Diponegoro University.
- Nurcholis. (2005). *Teori dan Praktik Pemerintahan dan Otonomi Daerah*. Jakarta: Grasindo.
- Ratnawati, R. (2009). *Pemekaran Daerah, Politik Lokal, dan Beberapa Isu Terseleksi*. Yogyakarta: Pustaka Pelajar.
- Ratnawati, R. (2010). Satu Dasawarsa Pemekaran Daerah Era Reformasi: Kegagalan Otonomi Daerah. *Jurnal Ilmu Politik (Ed. 21)*, Published on cooperation Asosiasi Ilmu Politik Indonesia and Pustaka Pelajar.
- Soehino. (1985). *Hukum Tata Negara*. Yogyakarta: Liberty.
- Soemantri, S. (1988). *Prosedur dan Perubahan Konstitusi*. Bandung: Alumni.
- Susilo, H., & Kariyono. (2016). One Map Policy Sebagai Instrumen Pemersatu. *The 3rd Conference on Geospatial Information Science and Engineering & FIT ISI 2016*. Yogyakarta: Teknik Geodesi FT UGM.
- [www.kemendagri.go.id](http://www.kemendagri.go.id) (accessed on 20 October 2016)
- [www.otda.kemendagri.go.id](http://www.otda.kemendagri.go.id) (accessed on 20 October 2016)
- UU RI No.27 Tahun 1959 tentang Penetapan Undang-Undang Darurat No. 3 Tahun 1953 Tentang Perpanjangan Pembentukan Daerah Tingkat II di Kalimantan (Lembaran-Negara Tahun 1953 No. 9), Sebagai Undang-Undang
- UU RI No.08 Tahun 1965 tentang Pembentukan Daerah Tingkat II Tanah Laut, Daerah Tingkat II Tapin Dan Derah Tingkat II Tabalong Dengan Mengubah Undang-Undang No. 27 tahun 1959, tentang Penetapan Undang-Undang Darurat No. 3 tahun 1953, tentang Pembentukan Daerah Tingkat II di Kalimantan
- UU RI No.09 Tahun 1999 tentang Pembentukan Kotamadya Daerah Tingkat II Banjarbaru
- UU RI No.22 Tahun 1999 tentang Pemerintahan Daerah
- UU RI No.47 Tahun 1999 tentang Pembentukan Kabupaten Nunukan, Kabupaten Malinau, Kabupaten Kutai Barat, Kabupaten Kutai Timur, dan Kota Bontang
- UU RI No.05 Tahun 2002 tentang Pembentukan Kabupaten Katingan, Kabupaten Seruyan, Kabupaten Sukamara, Kabupaten Lamandau, Kabupaten Gunung Mas, Kabupaten Pulang Pisau, Kabupaten Murung Raya, dan Kabupaten Barito Timur di Provinsi Kalimantan Tengah
- UU RI No.07 Tahun 2002 tentang Pembentukan Penajam Paser Utara di Provinsi Kalimantan Timur
- UU RI No.02 Tahun 2003 tentang Pembentukan Kabupaten Tanah Bumbu dan Kabupaten Balangan di Provinsi Kalimantan Selatan
- UU RI No.32 Tahun 2004 tentang Pemerintahan Daerah
- UU RI No.20 Tahun 2012 tentang Pembentukan Provinsi Kalimantan Utara
- UU RI No.23 Tahun 2014 tentang Pemerintahan Daerah