

# STUDY AND ANALYSIS CONCERNING THE URGENCY OF APPLICATION FOR EXPANDING THE REGENCY/CITY AREA IN BANTEN PROVINCE

Yoyon Mulyana Darusman<sup>1</sup>, Bambang Wiyono<sup>2</sup>, Oksidelfa Yanto<sup>3</sup>  
Email : [yoyon.darusman@yahoo.co.id](mailto:yoyon.darusman@yahoo.co.id), [bambang.wiyono@yahoo.com](mailto:bambang.wiyono@yahoo.com), [oksidelfy@gmail.com](mailto:oksidelfy@gmail.com)

## ABSTRACT

The establishment of a region can be in the form of a merging of several regions or parts of a contiguous region or division and one region becoming two or more. Regional expansion is basically intended to provide opportunities for regions to be able to take care of their own households, which in turn can increase the level of welfare in their area. The proposal for regional expansion in the regional government began with the promotion of regional autonomy with the issuance of Law No. 22 of 1999 concerning Regional Government, Law No. 32 of 2004 concerning Regional Government, Law no. 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning Regional Government and Law No. 23 of 2014 concerning Regional Government. The research model used is qualitative research, where the data used is weighted data in providing reinforcement in the research process. The approach in this research is sociological juridical where in addition to reviewing the laws and regulations relating to regional expansion, sociological studies are also carried out by conducting observations and territorial data in Banten Province. The results of this study, the implementation of the division of the Regency/City in Banten Province has been carried out referring to existing laws and regulations, and in general has been quite successful. However, there are a number of Regency/City areas which in the regional capacity do not yet have the sufficiency to become independent regions.

**Keywords: Expansion, Region, Autonomy and Welfare.**

## ABSTRAK

Pembentukan daerah dapat berupa pengabungan beberapa daerah atau bagian daerah yang bersandingan atau pemekaran dan satu daerah menjadi dua atau lebih. Pemekaran wilayah pada dasarnya dimaksudkan untuk memberikan kesempatan kepada daerah untuk dapat mengurus rumah tangganya sendiri yang pada akhirnya dapat meningkatkan tingkat kesejahteraan di daerahnya. Usulan pemekaran wilayah pada pemerintah daerah, diawali dengan digelorkannya program otonomi daerah, dengan diterbitkannya UU No. 22 Tahun 1999 tentang Pemerintah Daerah, UU No. 32 Tahun 2004 tentang Pemerintah Daerah, UU No. 12 Tahun 2008 tentang Perubahan Kedua atas UU No. 32 Tahun 2004 tentang Pemerintah Daerah dan UU No. 23 Tahun 2014 tentang Pemerintah Daerah. Pendekatan dalam penelitian ini adalah pendekatan yuridis dan empiris, di mana dilakukan penelaahan terhadap semua peraturan yang berhubungan dengan pemekaran wilayah, pendalaman empiris juga dilakukan dengan melakukan observasi atas data yang diperoleh dari wilayah provinsi Banten. Hasil dari penelitian ini, bahwa pelaksanaan pemekaran wilayah atau kota di provinsi Banten telah dilaksanakan mengacu kepada peraturan perundang-undangan yang ada dan secara umum sudah cukup berhasil. Namun terdapat juga wilayah Kabupaten/kota yang belum memiliki kecukupan untuk melakukan pemekaran wilayah sebagai daerah yang mandiri.

**Kata Kunci : Pemekaran, Wilayah, Otonomi dan Kesejahteraan.**

1. Senior Lecture, Study Program of Law Magister, Pamulang University.
2. Senior Lecture, Study Program of Law Magister, Pamulang University
3. Senior Lecture, Study Program of Law Magister, Pamulang University

## **A. Introduction**

Local government is part of the Indonesian government in the region. The division of Indonesian territory into large and small regions, with the form of government structure determined by law, by looking at and remembering the basis of deliberation in the state government system, and the rights of origin in special regions (Article 18 of the original 1945 Constitution). In another provision it states that the Unitary State of the Republic of Indonesia is divided into provinces and regions are divided into districts and cities, each of which has a regional government regulated by law (Article 18 Paragraph ( 1) 1945 Constitution text of amendment). This shows that how broad the territory of Indonesia which consists of government in the center and government in the region, namely provinces and districts/cities.

The existence of local governments in the history of the Indonesian state, can be seen from the provisions of the existing legislation, namely: Law No. 22 of 1948 concerning Regional Government, Law no. 1 of 1957 concerning Regional Government, Presidential Decree No. 6 of 1959 and Law No. 5 of 1974 concerning Government. The statutory provisions above have regulated the technical guidelines for the implementation of governance in regions that are still centralized, in which the authority has not been given autonomously to the regions to manage their own households.<sup>1</sup> The reform movement in 1998 which had resulted in the end of the new order and the emergence of a strong public impetus to immediately amend the 1945 Constitution, had a huge impact on the implementation of regional autonomy with the issuance of Law No. 22 of 1999 concerning Regional Government, Law No. 32 of 2004 concerning Regional Government, Law no. 12 of 2008 concerning the Second Amendment to Law No. 32 of 2004 concerning Regional Government and Law No. 23 of 2014 concerning Regional Government, which in general regulates the Regional Government (Regional Head and Regional People's Representative Council) to manage their own households autonomously.

These provisions in addition to regulating regional authority in managing their own households, in another part governing the merging of Provincial and Regency/City regions also regulates the division of Provincial and Regency/City regions. The merging of provinces and regencies/cities is intended so that the regions assessed no longer have the ability to take care of

---

<sup>1</sup> Philipus M. Hadjon. Et.Al. *Pengantar Hukum Administrasi Negara. Introduction to the Indonesian Adminstratif Law*. (Yogyakarta : Gadjah Mada University Press, 2008). Hlm 6

their own households and to carry out their activities the government is highly dependent on assistance from the central government (APBN).<sup>2</sup> On the other hand, the division of Provinces and Regencies/Cities is intended so that regions which are judged to have the ability (even budget surpluses) to manage their own households autonomously. So that the regional government is expected to be able to increase regional development on an ongoing basis and certainly be able to improve the welfare of the welfare of the people in their area.

Government Regulation Number 129 of 2000 states that the establishment, expansion, elimination and incorporation of regions aims to improve the welfare of the community through: improving services to the community, accelerating the growth of democratic life, accelerating the implementation of regional economic development, accelerating the management of regional potentials, enhancing security and order, and enhancing relations which is harmonious between the center and the regions. The occurrence of various conflicts in the post-division transition period has alienated or at least slowed the goal of regional expansion. In addition, from the results of a study conducted by the author and the Team from the Regional Autonomy Directorate of BAPPENAS in 2004, it was found that there has not been an increase in services to the community in several new autonomous regions, aside from the conflict issue, among others due to institutional, infrastructure and Human Resources issues. In the institutional aspect, it was found that some new autonomous regions when forming organizational units of the regional government did not fully consider the condition of the region and the needs of the community. The establishment of new autonomous regions seems to be a means for division of office. There also appears to be a delay in the formation of vertical institutions, as well as a lack of readiness of legislative institutions as regional government partners.<sup>3</sup>

Since the issuance of Law Number 22 Year 1999, Law Number 32 Year 2004, Law Number 12 Year 2008 and Law Number 23 Year 2014 concerning Regional Government, the implementation of regional expansion in Banten province has been carried out with the expansion of South Tangerang City from its parent, namely Tangerang Regency (Law Number: 51 Year 2008), and the division of Serang City region from its parent, Serang District (Law Number: 32 Year 2007). Previously, Tangerang City had been divided from its parent region, Tangerang Regency (PP Number: 50 of 1981) and Cilegon City from its main region, Serang

---

<sup>2</sup> Ibid

<sup>3</sup> <http://nanangmura.blogspot.com/2016/04/makalah-pemekaran-daerah.html>/03/03/2020

Regency (PP Number: 40 of 1986). In addition, there are still thoughts in the context of proposing regional expansion in Regencies/Cities, for example: regional expansion in North Tangerang Regency and East Tangerang Regency and Kota Maja. This is understandable because the Greater Tangerang area is a superior region in Banten Province when viewed from various economic, social and political aspects.

Table 1. Population Growth in Banten Province

District/City	Inflow Growth Population base on District/City (percent)								
	2011	2012	2013	2014	2015	2016	2017	2018	2019
Pandeglang District	0.84	0.77	0.86	0.46	0.55	0.47	0.39	0.32	0.24
Lebak District	1.13	1.05	0.98	0.91	0.83	0.76	0.68	0.60	0.52
Tangerang District	3.54	3.47	3.34	3.39	3.24	3.17	3.08	3.01	2.93
Serang District	1.06	0.98	0.92	0.84	0.77	0.69	0.61	0.53	0.46
Tangerang City	2.66	2.59	2.51	2.43	2.36	2.28	2.21	2.12	2.64
Cilegon City	1.99	1.90	1.82	1.76	1.68	1.60	1.53	1.46	1.37
Serang City	2.20	2.14	2.06	1.99	1.92	1.83	1.77	1.68	1.59
South Tangerang City	3.67	3.59	3.51	3.44	3.36	3.28	3.21	3.13	3.04

Source: BPS Tangerang Selatan - 2017 (download 10/11/2019).

If you pay attention to these data the population growth in the Banten Province area in general grows very rapidly, for example in rural areas, growing +/- 1% to 2% some regions such as: in Tangerang Regency, Pandeglang Regency, Lebak Regency, and Regency. While in urban areas it grows +/- 2% to 3% every year, such as Kota Tangerang, Kota Tangerang Selatan has a very high population growth (an average of 2% to 3% each year). Urban areas have a very pisat level of development when viewed from other aspects such as regional own-source revenue (PAD) and other economic aspects. This is because the region is included in the Greater Tangerang area, especially as a buffer for the capital city of Jakarta, which has various aspects of life that are the same as the capital city of Jakarta, so that such a situation has aroused the desire of the political elites in the region to undertake regional expansion.

However, according to Tagore Abubakar, Chair of the Regional Parliament of Bener Meriah, who was a figure in the establishment of the new province, the establishment of new territories cannot be postponed even though it has not been supported by the central government. He felt that the regional income generated was not comparable with the welfare of residents in his area. Inadequate attention from the Government of the Province of Nanggroe Aceh

Darussalam in Banda Aceh City is considered to be the main cause. The effort to realize the establishment of the Aceh Leuser Antara province itself has been going on for a long time. The draft law (RUU) for its establishment has also been made. However, the bill has indeed not been touched by the DPR. The blessing of the Minister of the Interior M. Ma`ruf as stipulated in Law Number 32 of 2004 concerning Regional Government was not yet obtained by them<sup>4</sup>

### **B. Focus of Problems.**

Based on the background above, the researcher focussed the problem in the following research: (1) how the implementation of the regency/city region in Banten Province and (2) how urgent the request for the expansion of other regencies/cities in Banten Province is.

### **C. Research Methods.**

The research location is a source to get the data needed about the problem to be studied. This research was conducted in the Regency/City area in the Banten Province Region, this was done because Banten Province was one of the regions that had carried out the Regency/City region expansion. The research model used in this study is to use qualitative methods. Where in this study the focus is on general principles underlying the manifestation of symptom units in human life, or patterns analyzed by socio-cultural phenomena using the culture of the community concerned to obtain a picture of patterns applicable.<sup>5</sup> Qualitative research aims to gain a deep understanding of the situation at hand.<sup>6</sup> Qualitative research is a research method for examining natural conditions, where researchers are key instruments.<sup>7</sup> Therefore this study uses a qualitative approach because researchers intend to understand social situations in depth.

In legal research there are several approaches. With this approach, researchers will get information from various aspects of various issues that are being tried to find answers. The approaches used in legal research are the statute approach, the case approach, the historical approach, the comparative approach and the conceptual approach.<sup>8</sup> In this research the above approaches will be used as optimal as possible. In qualitative research in processing and analyzing data does not require population and sampling. Normative juridical research which is

---

<sup>4</sup> Rizky Argama, *Pemberlakuan Otonomi Daerah Dan Fenomena Pemekaran Wilayah Di Indonesia*, Makalah pada Fakultas Hukum Universitas Indonesia, Jakarta, 2005.

<sup>5</sup> Burhan Ashoshofa. *Metode Penelitian Hukum*. ( Jakarta : Reneka Cipta, 2013). Hlm 20

<sup>6</sup> Ibid.

<sup>7</sup> Sugiyono. *Metode Penelitian Kombinasi Kualitatif dan Kuantitatif/Mixed Method* (Bandung, Alfabeta, 2016). Hlm 53

<sup>8</sup> Peter Mahmud Marzuki. *Penelitian Hukum. Edisi Revisi*. ( Jakarta : Kencana Prenada Group, 2011). Hlm 136.

qualitative in nature, is research that refers to legal norms contained in legislation and court decisions and norms that live and develop in society. While empirical juridical research is a research approach by looking at a legal reality that lives and develops in society.<sup>9</sup>

The data in this study refer to the focus of the research in the form of the implementation of regional expansion and the proposed regional expansion in Regencies/Cities in Banten Province as stipulated in the legislation. The data needed in this study is classified into two namely; (a) Primary data is data directly obtained from research subjects in the form of verbal or verbal speech and subject behavior (research sources) relating to the relevance of competencies.<sup>10</sup> In this case information obtained from stakeholders (policy makers) in the provincial area Banten. As outlined in the form of statistical data and interviews using indicators and instruments related to research problems, in order to provide strengthening of research data.<sup>11</sup> (b) Secondary data is data used to support primary data in the form of documents, photographs and other records that can be used as data sources.<sup>12</sup> The secondary data referred to consists of: Primary legal materials, namely basic norms and rules (Pancasila), basic regulations (Constitution) and legislation and their implementation. Secondary legal material is material that provides an explanation of primary law, such as draft laws, research results or the opinions of experts in scientific book references. Tertiary legal material is material that provides instructions and explanations for primary and secondary legal materials, such as dictionaries, encyclopedias and the internet/website.<sup>13</sup>

## **D. Finding and Discussion**

### **1. Overview of Regional Autonomy**

Regional science is a study of the region, especially as a system, especially concerning the relationship of interaction and interdependence between the main subsystems, ecosystems with the main social system subsystems, and its relation to other regions in forming a unitary region for development including the preservation of the area mentioned (Sutami, 1997). Furthermore, some experts define regions as very different from one another because of different interests and backgrounds. As quoted by Hadi Sabari (2000) from some of the following experts: for example

---

<sup>9</sup> Zaenuddin Ali. *Metode Penelitian Hukum*. (Jakarta : Sinar Grafika, 2010), Hlm 105.

<sup>10</sup> *Op.Cit.* Sugiyono

<sup>11</sup> Afrizal. *Metode Penelitian Kualitatif. Sebuah Upaya Mendukung Penggunaan Penelitian Kualitatif dalam Berbagai Ilmu*. ( Jakarta : Raja Grafindo Persada, 2015). Hlm 12

<sup>12</sup> *Op.Cit.* Sugiyono

<sup>13</sup> *Op.Cit.* Peter Mahmud Marzuki

T.J.Wofter who said that an area is a particular area in which created structural and social homogeneity as an embodiment of a combination of environmental and demographic factors. Then R.S. Platt who argues that: an area is a certain area whose existence is known based on general homogeneity both on the basis of the character of the land and its occupancy. Furthermore P. Vidal dela Blache, that: region is a certain place (domain) in which there are many different things, but artificially joined together, adjusting each other to form togetherness. Next A.J. Herbertson, which defines the region as part of a certain part of the earth's surface that has certain characteristics as a result of the existence of special relationships between the complex land, water, air, plants, animals and humans themselves. Taylor, who sees the area of characteristic appearance provides boundaries of the area as a certain area on the surface of the earth that can be distinguished from neighboring regions on the basis of the merging characteristics or property.<sup>14</sup>

In the 1945 Constitution the Government of the Unitary State of the Republic of Indonesia implies that it gives freedom to the regions to implement regional autonomy. Regional autonomy itself in its implementation is deemed necessary to put more emphasis on the principles of democracy, community participation, equity and justice, and pay attention to the potential and diversity of the region. Many factors affect the development of an area, including geographical factors including regional potential (natural resources), area size, population, and conditions of public facilities, as well as other matters that are considered for the implementation of regional autonomy, in this is the division of regions.

In implementing regional autonomy in the Indonesian constitutional law reference, the following principles are known:

**a. Regional autonomy.**

Autonomy or autonomy comes from the Greek, auto which means itself and nomous which means law or regulation. Thus, autonomy is a government that is able to hold a government as outlined in its own regulations with the aspirations of its people. Therefore, according to Law Number 32 of 2004, which has been perfected by Law Number 23 of 2014 concerning Regional Government, regional autonomy is the right, authority and obligation of autonomous regions to regulate and manage their own government affairs and public interests in accordance with statutory regulations. An autonomous region is a legal community unit that has territorial

---

<sup>14</sup> *Op.Cit.* <http://nanangmura.blogspot.com/2016/04/makalah-pemekaran-daerah.html> /03/03/2020

boundaries that are authorized to regulate and manage government affairs and the interests of local communities according to their own initiatives based on the aspirations of the people in the Unitary State of the Republic of Indonesia system.<sup>15</sup>

### **b. Decentralization.**

Decentralization is a broad term and always concerns the issue of power. Generally associated with the delegation or transfer of authority from the Central Government to officials in the region or to government institutions in the region to carry out government affairs in the region. In the Encyclopedia of the Social Sciences, decentralization is the transfer of authority from a higher level of government to a lower government, both in the legislative, judicial and administrative fields. In the encyclopaedia it is stated that decentralization is the opposite of centralization, but it should not be confused with the notion of decontration because this term is generally more interpreted as delegating from superiors to subordinates to act on behalf of their superiors without relinquishing their authority and responsibilities.<sup>16</sup>

According to Hans Kelsen, the definition of decentralization is related to the understanding of the state. The country is a legal order, therefore the notion of decentralization concerns the implementation of the legal system in a country. In the country there are legal norms that apply validly to all regions of the country which are often referred to as the central norms (central norm) and there are also legal norms that apply validly in different parts of the region called decentrals or local rules (decentral local norm). So according to Hans Kelsen, when we talk about a decentralized legal order, this is related to the environment in which the legal order applies.<sup>17</sup> There are several reasons why Indonesia Indonesia needs decentralization. First, national and state life is now very centralized in Jakarta (Jakarta-centric). While development in other regions tends to be the object of "cashing" the central government. Second, the distribution of the country's wealth unfairly and evenly, areas that have abundant wealth such as: Aceh, Riau, Papua, Kalimantan and Sulawesi apparently did not get adequate funds from the central government. And Third, the social disparity between one region and another is very striking.<sup>18</sup>

---

<sup>15</sup> Utang Rosidin. *Otonomi dan Desentralisasi*. (Bandung : Pustaka Setia, 2019). Hlm 75

<sup>16</sup> Ibid. Hlm 77

<sup>17</sup> B. Hestu Cipto Handoto. *Hukum Tata Negara Indonesia*. (Yogyakarta : Universitas Atmajaya Yogyakarta Press, 2009). Hlm 293

<sup>18</sup> Andik Wahyun Muqqoyidin, *Pemekaran Wilayah dan Otonomi Daerah Pasca Reformasi di Indonesia: Konsep, Fakta Empiris dan Rekomendasi ke Depan*, Jurnal Mahkamah Konstitusi RI, Volume : 10, Nomor : 2, Tahun 2013. Hlm 289



### **c. Deconcentration.**

Deconcentration is the delegation of authority from the government or regional head or head of a top level vertical agency to regional officials, which includes the following: (1) delegation of authority from the government apparatus that is of a higher level to another apparatus in one level of government is called horizontal deconcentration, (2) delegation of authority from the government or from a higher level of government apparatus to a lower apparatus is called vertical deconcentration.<sup>19</sup> The principle of deconcentration is essentially a refinement of the principle of centralization. It is said so, because in the implementation of the role and position of the central government is still very dominant in determining the principles and how to administer government affairs at the regional level. In implementing the deconcentration principle, the central government places its officials in the regions to organize the central government. Thus, in this principle of deconcentration the emphasis is on the aspect of delegation from the central government to central government officials who act as representatives and are placed in the regions.<sup>20</sup>

### **d. Assistance Task (*Madebewind*).**

Co-administering tasks are tasks to participate in carrying out governmental affairs assigned to the regional government by the government or regional government above, with responsibility to those who assign them. The assignment is entirely the authority of the government or province. The government or province which assigns this compiles a plan of activity or policy and provides its budget, while the area assigned is only carrying out it, but with an obligation to account for the implementation of the assignment.<sup>21</sup>

In Act Number: 32 of 2004 concerning Regional Government states that the task of assistance is the assignment of the government to the region and/or village, from the provincial government to the district/city and/or village and from the district/city government to the village to carry out certain tasks . These provisions clearly show that the task of assistance is a form of decentralization or incomplete autonomy. This principle is needed as a means of testing the readiness for local governments in organizing their own government affairs. Therefore, in fact the regional expansion policy which often causes conflicts at the community level is carried out

---

<sup>19</sup> *Ibid.* Hlm 79

<sup>20</sup> *Op.Cit.* B. Hestu Cipto Handoyo. Hlm 302

<sup>21</sup> *Ibid.* Hlm 80

using this principle first. However, in current practice, the division of regions does not pass through trial steps through the principle of co-administration, so empirically the regions resulting from the division do not show readiness to implement full autonomy.<sup>22</sup>

Law No. 23 of 2014 concerning Regional Government regulates several prerequisites for regional expansion. These requirements include technical, physical and territorial, and administrative requirements. Likewise in Article 37 of Law No. 23 of 2014 explaining administrative, technical and territorial prerequisites in the procurement of an area's expansion. The purpose of regional expansion is in the context of improving services to the community, accelerating the growth of democratic life, accelerating the implementation of regional economic development, accelerating the management of regional potentials, enhancing security and order, and enhancing harmonious relations between the center and the regions.

As a consequence of the enactment of Law No. 23 of 2014, local governments are given such broad authority by the central government to regulate their own regional households, including the provision of services to the people in their regions. In regional establishment or regional splitting must meet regional administrative, technical, and physical requirements, the governance is regulated in Government Regulation Number 17 Year 2018. An area that has expanded territory must be seen comprehensively, especially in the level of maturity or financial capacity, government control , the level of efficiency, and effectiveness in several ways, including in providing services to the community.

The demands of the regional expansion that have taken place so far have generally been based on the inability of the government to carry out its maximum service functions as a result of the vastness of the area and the development of the population in addition to other supporting facilities and infrastructure. This results in a gap in society, where the community is relatively close to the center of government with the community relatively far from the center.

## **2. Geo-Politics About the Authority of Regional Governments.**

Indonesia's national geo-politics is based on the concept of "archipelago insight", as a perspective and attitude of the Indonesian people regarding its diverse and strategic environment, by prioritizing regional unity and territorial integrity while respecting and respecting diversity in every aspect of national life to achieve national goals. The insight of the archipelago as a national insight of the Indonesian people is a teaching that is believed to be true by all the people

---

<sup>22</sup> *Op.Cit.* B. Hestu Cipto Handoyo. Hlm 306

in order to avoid misdirection and deviation in the effort to achieve and realize national goals and objectives. Thus the insight of the archipelago becomes a visual foundation in organizing national life.<sup>23</sup>

Therefore, the implementation of regional implementation including the transfer of authority to regional governments cannot be done freely, but it is still guided by national geopolitics, namely the insight of the archipelago as a noble ideal for the creation of national unity and national unity in Indonesia so that achieved a just and prosperous country. Law No. 23 of 2014 concerning regional government as well as previous legislation, has signaled the need for the establishment of new regions intended to improve services to the community in order to realize community welfare. In the context of the establishment of an area or region of expansion, a measure is needed as the basis for stipulation. The establishment and expansion of new territories must be based on objective divisions with regard to the aspect of financing of human resources and other supporting facilities.

The requirements for the division of Provinces and Regencies/Cities are regulated in Article 36 of Law No. 23 of 2004 are as follows:

- a. The basic regional capacity requirements are based on parameters: (i) geography; (ii) demographics; (iii) security; (iv) socio-political, adat and tradition; (v) economic potential; (vi) Regional finance; and (vii) the ability to administer government.
- b. Geographical parameters include: (i) location of the capital city; (ii) hydrographic; and (iii) disaster vulnerability.
- c. Demographic parameters include: (i) the quality of human resources; and (ii) population distribution.
- d. Safety parameters include: (i) general criminal acts; and (ii) social conflict.
- e. Socio-political, customary and traditional parameters include: (i) community participation in elections; (ii) social cohesiveness; and (iii) community organizations.
- f. Economic potential parameters include: (i) economic growth; and (ii) regional superior potential.

---

<sup>23</sup>Syachrial Syarbaini. *Pendidikan Pancasila, Implementasi Nilai-Nilai Karakter Bangsa di Perguruan Tinggi*, (Jakarta : Ghalia Indonesia, 2011), Hlm 283.

- g. Regional financial parameters include: (i) original income capacity of the parent region; (ii) potential of original income of prospective Preparatory Areas; and (iii) Regional financial and asset management.
- h. The parameters of the ability to carry out governance as referred to in paragraph (1) letter g include: (i) accessibility of basic education services; (ii) accessibility of basic health services; (iii) accessibility of basic infrastructure services; (iv) the number of employees of the state civil servants in the parent region; and (v) draft regional spatial plans for the Preparatory Regions.

According to Government Regulation Number 17 of 2018 concerning the requirements for the establishment and criteria for the division, elimination and merger of regions, the division of regions/regions aims to improve the welfare of the community through:

1. Accelerating services to the community
2. Accelerating the growth of democratic life
3. Accelerating the growth of regional economic development
4. Accelerating regional potential management
5. Increased security and order
6. Enhancing harmonious relations between the center and the regions.

Regional prerequisites as regulated in Article 35 of Law No. 23 of 2014. Namely as follows:

1. The minimum area size and minimum population is determined based on the grouping of islands or islands.
2. Provisions regarding the grouping of islands or islands are regulated in government regulations.
3. The boundary of the area is proven by the coordinates on the base map.
4. Regional Coverage includes:
  - a. at least 5 (five) District/city regions for the establishment of provincial Regions;
  - b. at least 5 (five) Districts for the establishment of regency Regions; and
  - c. at least 4 (four) subdistricts for the establishment of urban areas.
5. Regional Coverage for Preparatory Areas whose territories consist of islands containing Regional Coverage and details of names of islands within their territory.
6. Minimum age limits include:

- a. the minimum age limit for the provincial Region is 10 (ten) years and the regency/city Region is 7 (seven) years since the establishment; and
- b. the minimum age limit of the Sub-District that is the Regency/City Regional Coverage 5 (five) years from the establishment.

The proposed expansion of Regency/City areas is carried out through the following mechanisms:

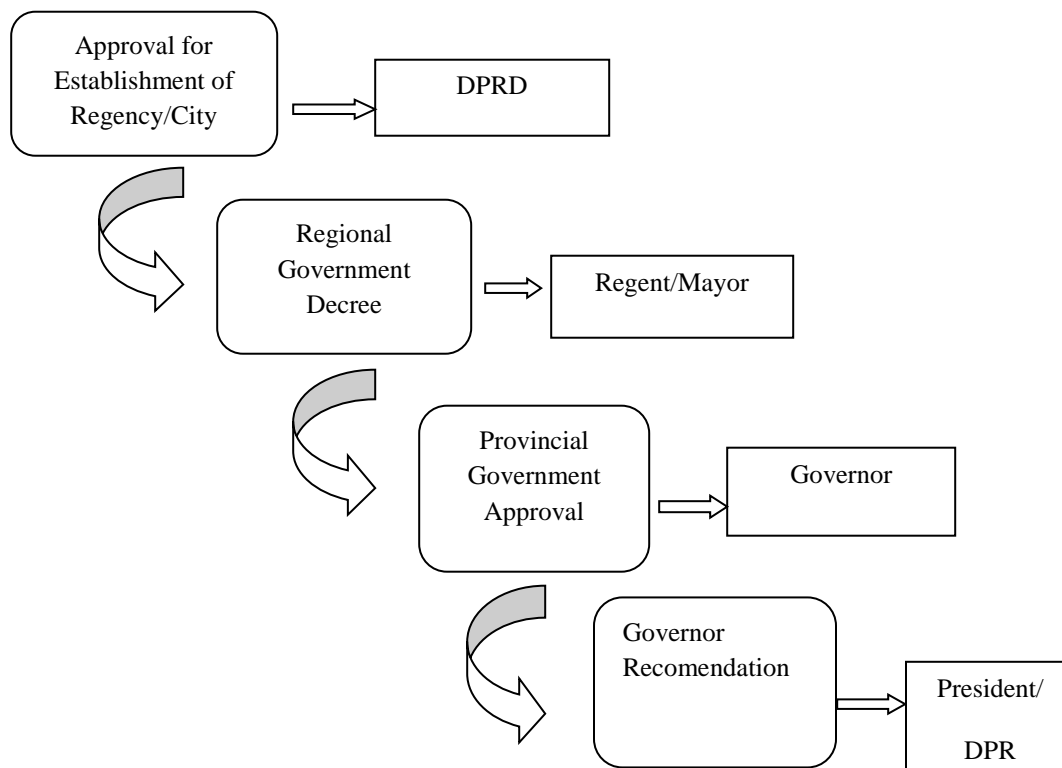


Image: Flow of recommendations for expansion

### 3. Geo-Economy concerning Regional Authority.

Indonesia's geo-economy is based on the principle of "kinship" as mentioned in Article 33 of the 1945 Constitution. The Indonesian economy is structured as a joint effort based on the principle of kinship, production branches which are important for the country and which dominate the livelihoods of many people ruled by the state, the earth and water and the natural

resources contained therein are controlled by the state and used for the greatest prosperity of the people, the national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainable, environmentally friendly, independent, and by maintaining a balance of progress and national economic unity. This commitment is an affirmation of the importance of geo-economy which needs to be upheld by all Indonesian people.<sup>24</sup>

The financial relations between the center and the regions determine the autonomy independence. However, what is generally questioned is the lack of money owned by the regions compared to those owned by the center. Based on this premisis, the core of financial and central financial relations is financial balance. A balance is to increase regional own-source revenue so that regional financial barns can contain more.<sup>25</sup> Based on this description, the delegation of authority in the economic and financial sectors to the regions must still consider the principles of family and togetherness. And as an implementation of the idea, the government has issued Law Number 32 Year 2004 concerning Regional Government and Law Number 33 Year 2004 concerning Central and Regional Financial Balance. Very important matters relating to the Geo-Economy of regional authority can be seen in the following provisions:

- a. Based on the provisions of Article 15 of Law Number 32 Year 2004 concerning Regional Governments, the financial sector relationship between the central government and regional governments includes the following matters: (i) Provision of financial resources, to carry out government affairs which become the authority regional government; (ii) Allocation of equalization funds to regional governments; and (iii) Providing loans and/or grants to local governments.
- b. Meanwhile, based on the provisions of article 16, it states that the relationship in the field of finance between regional governments includes the following matters: (i) Tax and non-tax revenue sharing between the provincial regional government, and the regency/city regional government; (ii) Funding government affairs which are a joint responsibility; (iii) Joint financing of inter-regional cooperation; and (iv) Loans and/or intergovernmental grants.

---

<sup>24</sup> *Ibid.* Syahrial Syarbaini.

<sup>25</sup> *Op.Cit.* Utang Rosidin. Hlm 354

- c. Based on the provisions of Article 10 of Law Number 33 Year 2004 concerning Central and Regional Fiscal Balances, in matters relating to central and regional financial balances includes the following types: (i) Balancing funds consist of and for the results, general allocation funds and special allocation funds; (ii) The amount of the aforementioned balance funds shall be determined every fiscal year in the APBN.
- d. Whereas in the provision of Article 11, it states that the revenue sharing fund between the central and regional governments includes the following matters: (i) Funds originating from taxes and namely: earth and building (PBB), acquisition fees on land and buildings (BPHTB), income tax (PPh) Article 25 and article 29 taxpayers, and domestic tax and PPh article 21, (ii) funds originating from natural resources include the following: forestry, general mining, mining, mining petroleum, natural gas mining and geothermal mining.

#### 4. Area in Regencies/Cities in Banten Province.

In the context of the area, the regencies and/or cities within Banten Province have diversity, which can be seen in the table below:

District/City	Large of Territory base on District/City	
	Large of Territory (Km2)	Percent (%)
	2016	2016
Pandeglang District	2.746.89	28.43
Lebak Distrik	3.426.56	35.46
Tangerang District	1.011.86	10.47
Serang District	1.734.28	17.95
Serang City	153.93	1.59
Cilegon City	175.5	1.82
Tangerang City	266.71	2.76
South Tangerang City	147.19	1.52
Total of Banten Province	9662.92	100

Table 2. Source: Banten Province Central Statistics Agency<sup>26</sup>

<sup>26</sup> Badan Pusat Statistik Provinsi Banten Up-Date data terakhir pada 2016, <https://banten.bps.go.id/dynamictable/2018/04/25/192/luas-wilayah-menurut-kabupaten-kota-di-provinsi-banten-2016.html>, diakses pada 12 Agustus 2019.

Looking at the data, the proportion of the area in Banten Province is indeed Lebak Regency, Pandeglang Regency, Serang Regency and Serang Regency which have a very large area (an average of above 17.5%), compared to other regions such as Cilegon City, Serang City, Kota Tangerang and Kota Tangerang Selatan which only have a very small area (an average of under 3%, this is because the City area only has a very small number of districts (an average of 6 to 10 Sub-districts), while the Regency area has a number of sub-districts which is very much (+/- 20 to 35 Subdistricts) However, if related to the population (population), the City area has a smaller population (+/- 500,000, - up to 2,150,000, - people), while the Regency has a smaller population (-/+ 1,500,000 up to 3,400,000).

### 5. Population Population in regencies/cities in Banten Province.

In the context of Population Population, Regency and or City in the area of Banten Province, which can be seen in the table below:

Citizen base on Sex Type and District/City (person), Male and Female					
District/City	2015	2016	2017	2018	2019
Pandeglang District	1.194.911	1.200.512	1.205.203	1.205.203	1.205.203
Lebak Distrik	1.269.812	1.279.412	1.288.103	1.288.103	1.288.103
Tangerang District	3.370.594	3.477.495	3.584.770	3.584.770	3.584.770
Serang District	1.474.301	1.484.502	1.493.591	1.493.591	1.493.591
Tangerang City	2.047.105	2.093.706	2.139.891	2.139.891	2.139.891
Cilegon City	412.106	418.705	425.103	425.103	425.103
Tangerang City	643.205	655.004	666.600	666.600	666.600
South Tangerang City	1.543.209	1.593.812	1.644.899	1.644.899	1.644.899
Total of Banten Province	11.955.243	12.203.148	12.448.160	12.448.160	12.448.160

Table 3. Source: Statistics of Banten Province<sup>27</sup>

Noting the above data, there are several regencies that have sufficient balance to expand regions (area, number of sub-districts and population), for example, Pandeglang Regency has an area of 28.43% (+/- 2,746.89 Km<sup>2</sup>), has a population of +/- 1,205.20 people, and has a Subdistrict of 35 Subdistricts. However, there are some cities that do not have enough balance. For example, Tangerang City has an area of 2.76% (+/- 266.71 Km<sup>2</sup>), has a population of +/- 666,600 people, and only has Districts of 6 Subdistricts of Demands from the regional expansion

<sup>27</sup> Badan Pusat Statistik Provinsi Banten Up-Date data terakhir pada 2017, <https://banten.bps.go.id/linkTableDinamis/view/id/51>, diakses pada 12 Agustus 2019.



that has occurred so far in general is based on the government's inability to carry out its functions maximum service as a result of the area and the development of the population in addition to other supporting facilities and infrastructure. This results in a gap in society, where the community is relatively close to the center of government with the community relatively far from the center.

Subdistrict expansion which was originally only one region and then divided into two sub-districts is not an easy thing, where the division must require sufficient personnel, must have its own sub-district office, need other office facilities including routine costs all of which are intended to support the smooth implementation of the wheels government in the district. After the district expansion, what needs to be questioned is that government services to the community will be better. From these changes the impact that can be enjoyed by the community through the division of the district is that the community can be faster in service and more efficient in carrying out activities carried out by the government. Regional expansion should have been through considerations in addition to taking into account the requirements set out in PP No. 17 of 2018 about the establishment of an autonomous region. In the government regulation, it is regulated that the establishment of autonomous regions which is possible and must meet factors including: economic capacity, regional potential, socio-cultural, socio-political, population, total area besides other factors namely security and order, facilities and infrastructure , the range of control that allows the implementation of regional autonomy as expected.

## **6. Number of Districts in Regencies/Cities in Banten Province.**

In the context of the number of subdistricts in regencies and/or cities in the Banten province, which can be seen in the table below:

District/City	Total of Sub District base on District/City in Banten Province.						
	2013-2019						
	2013	2014	2015	2016	2017	2018	2019
Pandeglang District	35	35	35	35	35	35	35
Lebak Distrik	28	28	28	28	28	28	28
Tangerang District	29	29	29	29	29	29	29
Serang District	29	29	29	29	29	29	29
Tangerang City	13	13	13	13	13	13	13
Cilegon City	8	8	8	8	8	8	8

Serang City	6	6	6	6	6	6	6
South Tangerang City	7	7	7	7	7	7	7
Total of Banten Province	155	155	155	155	155	155	155

Table 4. Sources: Badan Pusat Statistik Banten Province<sup>28</sup>

Noting this data, especially the number of sub-districts in Pandeglang District with 35 sub-districts, Lebak District with 28 sub-districts, Tangerang District with 29 sub-districts and Serang District with 29 sub-districts administratively have the opportunity to expand, if supported with adequate regional budget capacity. Whereas city areas such as Tangerang City with 13 districts, Cilegon City with 8 districts, Serang City with 6 districts and South Tangerang City with 7 districts no longer have the opportunity to do so at this time.

### 7. Regional Original Revenue (PAD) in Regencies/Cities in Banten Province.

Local Own Revenue (PAD) in Regencies/Cities in Banten Province with Wakut vulnerable between 2015-2016.

Table 5

Realization of 2016 Revenue and Expenditure Budget in Banten Province in 2016  
(Thousand Rupiahs)

No	District/City	Income	Expenses	Total
(1)	(2)	(3)	(4)	(5)
	<b>Tahun 2015</b>			
1	Pandeglang District	2.053.864.859	271.497.431	2.325.362.290
2	Lebak Distrik	2.237.617.203	122.803.445	2.360.420.647
3	Tangerang District	4.229.034.302	878.379.815	5.107.414.118
4	Serang District	2.304.837.742	490.142.994	2.794.980.735
5	Tangerang City	3.379.623.327	893.379.736	4.273.003.064
6	Cilegon City	1.409.261.800	371.788.479	1.781.050.279
7	Tangerang City	1.105.658.801	138.863.186	1.244.521.986
8	South Tangerang City	2.602.412.225	754.524.241	3.356.936.486
9	Banten Province	7.328.220.769	1.907.994.208	9.236.214.978
	Total	26.650.531.028	5.829.373.534	32.479.904.562

<sup>28</sup> Badan Pusat Statistik Provinsi Banten Up-Date data terakhir pada 2017, <https://banten.bps.go.id/dynamictable/2015/09/25/98/jumlah-kecamatan-menurut-kabupaten-kota-di-provinsi-banten-2005-2015.html>, diakses pada 12 Agustus 2019.

No	District/City	Income	Expenses	Total
(1)	(2)	(3)	(4)	(5)
	<b>Tahun 2016</b>			
1	Pandeglang District	2.209.655.129	288.333.858	2.497.988.987
2	Lebak Distrik	2.496.433.197	262.990.961	2.759.424.158
3	Tangerang District	2.468.077.495	445.811.338	2.913.888.833
4	Serang District	4.799.673.685	913.344.216	5.713.017.900
5	Tangerang City	3.388.541.593	1.171.968.498	4.560.510.091
6	Cilegon City	1.618.573.369	311.572.638	1.930.146.006
7	Tangerang City	1.132.266.274	182.604.194	1.314.870.467
8	South Tangerang City	2.664.158.765	735.696.222	3.399.854.986
9	Banten Province	8.656.395.495	1.130.074.819	9.786.470.314
	Total	29.433.775.001	5.442.396.742	34.876.171.743

Local Own Revenue (PAD) is one source of revenue that must be optimized for its role to be able to provide compensation to the community in the form of good services and improvement of public facilities. An adequate amount and increase in PAD contribution will determine the level of regional independence in development so that it does not always depend on assistance from the central government and the provincial government. One of the steps that can be taken by local governments is to facilitate investment in the private sector so that economic growth will be created by the growth of the private sector. PAD regional revenue consists of regional taxes, regional user fees, HPKD which are in-balance and other PAD.

Of the four components, in 2016 local taxes contributed to the PAD, namely 79.99 percent or 9,972.91 billion rupiah from 8 (eight) district cities totaling 4,577.77 billion rupiah and the Banten Provincial Government of 5,215.14 billion rupiah. In addition, other legitimate PAD also contributed 14.23 percent to the total PAD in 2016 and 13.87 percent in 2015. In addition, regional retribution and HPKD revenue that were separated contributed a respective contribution of 4.49 percent and 1.29 percent. in 2016 The growth rate of the realization of district/city government revenue was not solely due to the rate of growth of local revenue (PAD).

However, local governments should continue to try to emphasize the PAD component more than other components to further strengthen the independence of the regional government in spurring regional revenue growth. This must also be done considering that the main source of

regional income shows the potential of each region, so that each regional government both regency/city and province is expected to be able to further explore the potential of the region.

### 8. Regional Budget (ABD) in Regencies/Cities in Banten Province

Regional Expenditure Budget (ABD) in Regencies/Cities in Banten Province with Waktu vulnerable between 2015-2016.

Table 6

Realization of Regional Expenditures of Banten Province in 2015 and 2016 (Thousand Rupiahs)

No	District/City	Expenditure	Expenses	Total
(1)	(2)	(3)	(4)	(5)
	<b>Tahun 2015</b>			
1	Pandeglang District	2.037.028.432	288.333.858	2.325.362.290
2	Lebak Distrik	2.092.695.059	267.725.589	2.360.420.647
3	Tangerang District	4.179.069.902	928.344.216	5.107.414.118
4	Serang District	2.342.220.891	452.759.845	2.794.980.735
5	Tangerang City	3.101.034.565	1.171.968.498	4.273.003.064
6	Cilegon City	1.463.977.641	317.072.638	1.781.050.279
7	Tangerang City	1.061.917.793	182.604.194	1.244.521.986
8	South Tangerang City	2.621.240.245	735.696.222	3.356.936.466
9	Banten Province	8.084.140.159	1.152.074.819	9.236.214.978
	Total	26.983.324.686	5.498.579.876	32.479.904.562

No	District/City	Expenditure	Expenses	Total
(1)	(2)	(3)	(4)	(5)
	<b>Tahun 2016</b>			
1	Pandeglang District	2.215.360.537	282.628.450	2.497.988.987
2	Lebak Distrik	2.434.575.832	324.848.326	2.759.424.158
3	Tangerang District	2.543.618.889	370.271.944	2.913.888.833
4	Serang District	4.535.329.446	1.177.688.454	5.713.017.900
5	Tangerang City	3.697.410.215	863.099.876	4.560.510.091
6	Cilegon City	1.613.348.915	316.797.091	1.930.146.006
7	Tangerang City	1.129.841.327	185.029.140	1.314.870.467
8	South Tangerang City	2.888.885.248	510.969.738	3.399.854.986
9	Banten Province	8.925.813.442	860.656.872	9.786.470.314

	Total	29.984.181.852	4.891.989.891	34.876.171.743
--	-------	----------------	---------------	----------------

Regional expenditure consists of indirect expenditure, direct expenditure and regional financing expenditure. Indirect expenditure includes the part of budgeted expenditure that is not directly related to program implementation. Indirect expenditure consists of: employee expenditure in the form of salary and benefits stipulated by the law, interest expenditure, social assistance expenditure expenditure grants, profit sharing expenditure to provinces/districts/cities and village governments, financial assistance expenditure, and unexpected expenditure. While direct expenditure includes budgeted expenditure directly related to program implementation. Direct expenditure consists of personnel expenditure, goods and services expenditure, and capital expenditure implementing programs and activities of local governments and has been budgeted by local governments.

### **9. Understanding Regarding Proposed Regional Expansion in Banten Province.**

According to Government Regulation Number 17 of 2018 concerning the requirements for the establishment and criteria for the division, elimination and merger of regions, the division of regions/regions aims to improve the welfare of the community through:

- a. Accelerated service to the community
- b. Accelerating the growth of democratic life
- c. Accelerating the growth of regional economic development
- d. Accelerating regional potential management
- e. Increased security and order
- f. Enhancing harmonious relations between the center and the regions.

T Liang Gie (2003), put forward a number of reasons why regional expansion policies should be implemented, namely:<sup>29</sup>

- a. From a political standpoint, the establishment of a new area/territory is intended to prevent the accumulation of power on one party that can cause tyranny.
- b. In the political field as an act of democracy to attract people to participate in government and train themselves in using democratic rights.

---

<sup>29</sup> T. Liang Gie, *Pertumbuhan Pemerintahan Di Daerah Negara Republik Indonesia*. (Yogyakarta : Liberty, 2003). hal 123

- c. From the technical point of view of the organization of regional/regional expansion is to achieve an efficient government.
- d. From the cultural point of view, it is expected that attention can be fully delegated to the specifics of an area such as geography, the state of the population, economic activities, cultural character or historical background.
- e. From the standpoint of economic development interests are needed because local governments can be more numerous and directly assist development.

Basically, regional expansion aims to bring the distance closer between the government as a public service provider and the community as a service recipient. Regional expansion also aims to make public services more effective and efficient. Basically, the main objective of regional expansion is to improve the welfare of the community in expanded region. Ironically, not a few are happening in newly divided regions, but some functions of public services are not working as expected. This is caused by several things including the readiness of the apparatus placed in the newly expanded region. One of the main problems that are often encountered in newly divided regions is usually the obstacles in filling the government structures that function to perform public services. This clearly has an impact on implementation of public services for the community.

In the framework of equitable regional development and regional development, it is aimed at improving the quality of human resources and providing facilities for the needs of the community. Basically, regional expansion is one form of regional autonomy and is one of the things that needs to be considered because with the expansion of the region is expected to be able to maximize the distribution of regional development and regional development. The 1945 Constitution implies that the Government System of the Unitary State of the Republic of Indonesia gives regions the freedom to carry out regional autonomy. Regional autonomy itself in its implementation is deemed necessary to emphasize more on the principles of democracy, community participation, equity and justice, and paying attention to the potential and diversity of the region. Many factors affect the development of an area, including geographical factors including regional potential (natural resources), area size, population, and conditions of public facilities, as well as other matters that are considered for the implementation of regional autonomy, in this is the division of regions.

### **1. Theoretical Dimensions of Regional Expansion**

In the implementation of regional expansion there are several theoretical dimensions, namely:

**a. Administration Dimension.**

The need for decentralization from an administrative perspective is to establish service area relations by forming implementing organizations in work areas or regions for a number of tasks. Regional organizing is based on each activity carried out in an area so that it requires its own work area. Regions that are given autonomous or decentralized status are believed to improve administration and service delivery to the community, because decentralization can provide opportunities for administrative and service adjustments to the characteristics of various regions as a consequence and differences formed by geography. Geography in the physical sense becomes the basis for determining administrative boundaries. A geographical area with a relatively small area is the right area for: :

1. Services are more optimal, because the service area is relatively narrow.
2. Government is more responsive because it is closer to the community it serves.
3. Community participation is more widespread because of relatively open community access.
4. Community consolidation is easier because of the closeness of the institution to the community..
5. upervision is made easier because the area of supervision is relatively narrow. From an administrative point of view, the provision of decentralization in addition to technical issues involves implementation as well as the establishment of objective institutions.

In addition, the regions of the decentralized region are always based on the belief that there is a systematic relationship between the quality of administration in services to the community and the characteristics of the regional areas that can be varied by changing networks of geographical relations. Therefore the existence of confidence in the efficiency of local government can be increased by making the regions wider..

**b. Political Dimensions**

The need for the establishment of an autonomous region from the start could not only be based on technical considerations alone, but rather the result of tug-of-war or political conflict between the regions and the center. Cultural diversity, uneven economic development, ethnic differences and harsh primordial loyalties always produce pressures that cannot be resisted by

decentralization. The distribution of power between the level of government or the head of an autonomous region and the choices of institutions for decentralization are the result of a political process that starts with group decisions that often have a territorial identity. The political dimension in regional establishment or decentralization is governance which is localized as part of and a basis for the recognition of a community group as a political entity. As part of a foundation for equality and political freedom. Local government is not just a mechanism but rather an expression of local community groups.

Thus decentralization is ideally community-based. Regional government or autonomous region in a theoretical perspective is an entity that gives a specific form to certain groups of people to be an integral part of state organizations under local government law with certain geographical boundaries. Grouping does not only lie in geographical boundaries but in the lives of groups living together as a whole. In the sense of being a group they differ abstractly because of differences in social and demographic aspects. The political dimension of decentralization includes geographical, social and demographic aspects that distinguish a concrete or abstract community that forms a shared identity and foundation as a political entity or identity.

### **c. Economic Dimensions.**

As explained above, the purpose of regional autonomy is to create independence in the fields of law, administration, social politics, of course also the creation of independence in the economic field which will ultimately improve the welfare of the people in the area. The distribution of policies in the legal, administrative, socio-political, economic and financial sectors which so far has to wait for policies from the central government, with regional autonomy in addition to waiting for some economic and financial policies from the central government, regional governments are also in accordance with the authority they give, can be autonomous regulate and manage their own households, so that the potential of human resources and natural resources contained in the region, can be quickly developed so that the level of welfare in the area can be felt by the community.

### **E. Conclusion.**

1. In terms of administration (enactment) of pemekaran conducted in the area of Banten Province, namely the City of Cilegon, the City of Tangerang, the City of Serang and the City of South Tangerang, has been carried out with due regard to the requirements and applicable legal procedures.



2. In terms of regional capability (budget independence), the division carried out in the area of Banten Province, namely the City of Cilegon, the City of Tangerang, the City of Serang and the City of South Tangerang, has run well on the basis of the creation of regional independence in the area of the budget (PAD), and does not have a dependency which is very significant to other parties including the budget from the center (APBN).
3. Provisions for pemekaran in other regions can only be made to regency areas which administratively have many sub-districts (more than 10 sub-districts), for example: Pandeglang Regency, Lebak Regency, Serang Regency and Tangerang Regency. This can be done if it can be ensured to have sufficient regional budget independence (PAD).

#### **F. Recommendation.**

The proposed expansion of Regency and City areas, especially in the Province of Banten and other provinces, is not based on fulfilling the administrative requirements of the legislation or aspirations of political interests, but it must be ensured that the region has sufficient budgetary independence (PAD) in order to be able to take care of the household itself in a sustainable way.

#### **Bibliography/References:**

- Afrizal. *Metode Penelitian Kualitatif, Sebuah Upaya Mendukung Penggunaan Penelitian Kualitatif dalam Bidang Disiplin Ilmu.* ( Jakarta : Raja Grafindo Persada, 2015).
- Ali, Zaenuddin. *Metode Penelitian Hukum.* (Jakarta : Sinar Grafika, 2010)
- Argama, Rizky, *Pemberlakuan Otonomi Daerah Dan Fenomena Pemekaran Wilayah Di Indonesia,* Makalah pada Fakultas Hukum Universitas Indonesia, Jakarta, 2005
- Amiruddin. Et.Al. *Pengantar Metode Penelitian Hukum.* (Jakarta : Raja Grafindo Persada, 2014).
- Ashoshofa, Burhan. *Metode Penelitian Hukum.*(Jakarta : Renika Cipta, 2008).
- Hadjon, Philipus M. *Pengantar Hukum Admistrasi Negara Indonesia (Introduction to The Indonesian Administrative Law).* (Yogyakarta : Gadjah Mada University Press, 2008).
- Handoyo, B. Hestu Cipto. *Hukum Tata Negara Indonesia.* (Yogyakarta : Universitas Atmajaya Yogyakarta Press, 2009).
- Marzuki, Peter Mahmud, *Penelitian Hukum, Edisi Revisi.* (Jakarta : Prenada Group, 2011).

Muqqoyidin, Andik Wahyun. *Pemekaran Wilayah dan Otonomi Daerah Pasca Reformasi di Indonesia: Konsep, Fakta Empiris dan Rekomendasi ke Depan*, Jurnal Mahkamah Konstitusi RI, Volume : 10, Nomor : 2, Tahun 2013.

Rosidin, Utang. *Otonomi Daerah dan Desentralisasi*. (Bandung : Pustaka Setia, 2019).

Syarbaini, Syahrial, *Pendidikan Pancasila, Implementasi Nilai-Nilai Karakter Bangsa di Perguruan Tinggi*, (Jakarta : Ghalia Indonesia, 2011).

Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, dan Kombinasi (Mixed Methods)*. (Bandung : Alfabeta, 2016).

Undang-Undang Dasar Republik Indonesia Tahun 1945, Naskah Asli, Naskah Perubahan dan Satu Naskah Terbaru. (Jakarta : Sekretariat Jenderal Majelis Permusyawaratan Rakyat Indonesia, 2005).

Undang-Undang Nomor : 32 Tahun 2004 tentang Pemerintah Daerah

Undang-Undang Nomor : 33 Tahun 2004 tentang Perimbangan Keuangan Pusat dan Daerah.

Undang-Undang Nomor : 23 Tahun 2014 tentang Pemerintah Daerah

Instruksi Presiden Republik Indonesia Nomor 3 Tahun 2003 tentang Kebijakan dan Strategi Nasional Pengembangan E-Government.

Peraturan Pemerintah Republik Indonesia Nomor 25 tahun 2000 tentang Kewenangan Pemerintah dan Kewenangan Propinsi Sebagai Daerah Otonomi.

<https://banten.bps.go.id/dynamictable/2018/04/25/192/luas-wilayah-menurut-kabupaten-kota-di-provinsi-banten-2016.html>,

<http://nanangmura.blogspot.com/2016/04/makalah-pemekaran-daerah.html/>