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## ACADEMIC STUDY OF DISTRICT FORMATION SOUTH INDRAGIRI

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**Abstract:** This research is motivated by the geographical conditions of Indragiri Hilir Regency in the Southern Region of Riau Province with an area of + 18,812, 97 km<sup>2</sup>, the vast area of Indragiri Hilir Regency coupled with the condition of almost 80% of the territorial waters which causes a range of spite and the difficult distance of the community with Central government. This type of research belongs to the type of Observational Research legal research by survey. the formation of new autonomous regions will increase the cost of administering government, but is expected to improve the quality and equity of services to the community, increase the acceleration of economic development, especially in rural areas, facilitate the growth of democratic life in the regions, improve security and order in the regions, contribute to unity and nationality (nation building).

**Keywords:** autonomous regions, surveys, Indragiri Hilir Regency, nation building.

### INTRODUCTION

In the period before 1998, the power of the Central Government of the Republic of Indonesia was very centralistic and all regions in the republic became an extension of the power of Jakarta (central government). In other words, the New Order regime embodies centripetal power, that is, it is biased towards the center, not the periphery. Regions that are rich in natural resources are drawn from production profits and divided among Jakarta's elite, rather than invested in regional development. As a result, development between the regions and Jakarta has become lame. In the early days of the reforms, in addition to the desire of the provinces to separate from the republic, aspirations from various regions also arose for the division of provinces or districts. In the effort to form new provinces and regencies, the tug-of-war between groups that agree and disagree with the division of regions as a result of regional autonomy increases the local political temperature. This indication arises with the threat from each group that pros and cons to the formation of new regions, mass mobilization with tribal sentiment and even death threats. The positive impact of regional autonomy is the opportunity to bring up local identity in the community. The decreasing authority and control of the central government gets a high response from the regional government in dealing with problems that are in their own regions. Even more funds are obtained than those obtained through bureaucratic channels from the central government. The fund enables local governments to encourage regional development and develop cultural and tourism promotion

programs. At the end of the paragraph, the author/s should end with a comment on the significance concerning identification of the issue<sup>1</sup> One very important aspect of the implementation of regional autonomy today is related to the expansion and merging of regions which aims to strengthen the relationship between regional governments and local communities in the context of growing democratic life. With more intensive interaction between the community and the new regional government, civil society will get their rights and obligations better as citizens.

The region expansion initiative basically departs from the existence of legal opportunities for the community and the regions to make the regional expansion / merger as stipulated in Law Number 22 of 1999 concerning Regional Government. So, it is not surprising that the explosion of regional expansion occurred since regional autonomy was rolled out so that until now it has reached 173 new autonomous regions. Regional expansion is the implementation of the formation of new autonomous regions. The general explanation of Law Number 32 of 2004 states that the formation of regions is basically intended "to improve public services in order to accelerate the realization of public welfare in addition to be a means of political education at the local level." Thus, philosophically, regional expansion is intended to improve the welfare of the community. At the same time, it is also intended to create a political education media for the community at the local level. Departing from this philosophy, there are some positive assumptions that were built related to regional expansion. First, the division is expected to be able to shorten the span of control between the government and the community. Regions that have a large administrative area so far have a level of difficulty for the community to deal with the government. A considerable distance is only facilitated by forming representative areas (such as representative sub-districts and district service centre representatives). In practice, it turns out that this step cannot overcome various weaknesses in the implementation of government functions in providing services to the community. Long distances also make these areas inaccessible to government facilities. Second, regional expansion is aspirated to improve the distribution of development. Based on past experience, the regions that are built are only areas that are close to the regional government capital. This is partly because the centre of government is almost always the centre of economic activity. So that economic activity is limping between the area around the centre of government and areas far from the centre of government. Eventually, inequality in development became an inevitable fact between the regions around the centre of government and the periphery areas. With district expansion, problems around development inequality will be overcome. In the end, the equitable distribution of development will have a positive impact on improving the welfare of the community. Third, district expansion also allows resources to flow to undeveloped areas. With the division of government control through regional expansion, resources that were initially centralized and under the control of one government are divided into two or more. With this solution, it is highly likely that these resources will flow faster to areas that were initially less touched. The distribution of resources will accelerate the progress of regions which were originally categorized as undeveloped regions. Fourth, district expansion is

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<sup>1</sup> *Ibid.* Page . 194

considered to be able to develop local democracy through the distribution of power at a smaller level. Similar to the distribution of resources, the division will also be able to be used for the community to learn democracy. With the new autonomous region formed through district expansion the region will become a new medium for the community to appreciate their political rights. Simultaneously, the right to participate in government will be more widely opened. Law Number 32 of 2004 also provides restrictions on areas that may be divided. Article 4 paragraph (4) states "the division from one region to 2 (two) or more regions as referred to in paragraph (3) can be carried out after reaching the minimum age of administration." The explanation of this article outlines that the minimum limit is 10 (ten) years for the province, 7 (seven) years for the regency / city and 5 (five) years for the sub-district. Related to the implementation of regional expansion, PP No. 78 of 2007 has regulated how the regional expansion process must be passed and the conditions that must be met. Indragiri Hilir Regency officially became a Level II Region based on Law Number 6 of 1965 dated June 14, 1965 (LN RI No. 49). In 2005, Indragiri Hilir Regency was expanded from 17 sub-districts to 20 sub-districts with 174 villages and 18 sub-districts. Indragiri Hilir regency is located in the southern part of Riau Province with an area of 18,812.97 km<sup>2</sup> consisting of land 11,605.97 km<sup>2</sup> and waters 7,207 km<sup>2</sup> (public waters 889 km<sup>2</sup> and sea 6,318 km<sup>2</sup>) in position 00 36 'north latitude, 10 07 south latitude , 1040 100 west longitude and 1020 32 east longitude. The boundaries of Indragiri Hilir Regency are:

1. North side: Pelalawan Regency
2. Southern Side: West Tanjung Jabung Regency (Jambi Province)
3. West side: Indragiri Hulu Regency
4. East side: Tanjung Balai Karimun Regency (Prov. KEPRI)

Indragiri Hilir Regency is strongly influenced by the ebb and flow of river / trench water, where the dominant means of transportation to reach one region to another is through rivers / ditches using speed boats or pompong and boat vehicles. Among the main rivers in this area is the Indragiri river, which was originally located at Singkarak Lake (West Sumatra Province) and empties into idols.

The formulation of the problem in this study are:

1. Does the concept of regional regency compliance meet?
2. How is the division process of Indragiri Hilir Regency being reviewed through Government Regulation No. 78 of 2007?

The condition of the general picture of Indragiri Hilir Regency above needs to be studied more deeply considering the strong encouragement and pressure of the people of Indragiri Hilir Regency to hold the formation of new autonomous regions in the context of accelerating development.

## **RESEARCH METHODS**

This type of research belongs to the type of Observational Research legal research by means of surveys, where researchers descend directly into spaciousness. This method aims to describe the nature of something that is taking place while the research is being carried out and examine the causes of a particular symptom, which is to give an idea of

the planned expansion of the Indragiri Hilir Regency if it is feasible to be expanded and meets the criteria as set out in the Regulation Government Regulation 78/2007 concerning Procedures for Formation, Elimination and Merger of Regions<sup>2</sup>.

The location of this research was conducted in the Indragiri Hilir Regency, Riau Province, for 3 months starting from March to May 2011. The reason for choosing this location is because lately many aspirations from people from the southern region of Indragiri Hilir Regency regarding the desire to separate themselves from Indragiri Hilir Regency becomes the New Regency, namely South Indragiri Regency. After the data is collected both primary and secondary data and tertiary data, then the data is processed and studied and classified / classified according to the subject matter examined.

## **ANALYSIS AND DISCUSSION**

### **A. Factors Causing the Prospective Reasons for Expansion of the South Indragiri Region.**

Regional expansion is one of the actualizations of the policy which was proven later and many of these opportunities were captured and utilized by the region and its elites. As is known from 1999 to the end of 2006 in Indonesia formed 7 (seven) new provinces, 129 new districts and 26 new cities. According to Indra Muclis Adnan (Regent of Indragiri Hilir) that one of the reasons why local elites in the regions carried out massive expansion was in order to accelerate the development process and shorten the span of government administrative control. It is hoped that the proximity of the community to government centres will make it easier for the community to access all needs in order to create community welfare in the regions<sup>3</sup>.

Legally formally, Law Number 22 Year 1999 which has been revised with Law Number 32 Year 2004 and PP Number 129 Year 2000 which has been replaced with PP Number 78 Year 2007. It is a legal reference for regional expansion from 1999 to present .

The South Indragiri Region is an administrative area of the Indragiri Hilir Regency which is located in the southern part bordering Jambi Province, where lately many aspirations from the community want to separate themselves from the Indragiri Hilir Regency by forming the New Regency namely the South Indragiri Regency which is administratively consists of 6 subdistricts namely, Enok District, Reteh District, Keritang District, Kemuning District, Sungai Batang District and Tanah Merah District. According to H. Alimudin (South Indragiri Community Leader who is also the Regional Secretary of the Indragiri Hilir Regency) said that in principle the aspirations of the people of South Indragiri who want to separate themselves from forming a New Regency have long been outlined and have become the wishes of the community in order to shorten the span of control and accelerate the range of control and accelerate the development process in the southern region of Indragiri Hilir Regency<sup>4</sup>.

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<sup>2</sup> Husein Umar, *Metode Penelitian untuk Skripsi dan Tesis Bisnis Edisi Kedua*, Rajawali Pers, Jakarta, 2008. Hlm. 22

<sup>3</sup> interview result with regent Indragiri Hilir (Indra Muchlis Adnan) in Tembilahan, 16 March 2011

<sup>4</sup> interview result with public figure Indragiri South, in Tembilahan, 15 March 2011

The formation of the South Indragi Regency, is aimed at bringing services closer to the community in the hope that they will be able to provide convenience in terms of implementing public services. With the formation of the Southern Indragiri District, it will have a direct impact on both the community and the government. Impacts on the community, among others, the costs incurred will be lighter, the time needed will be shorter, and there are job opportunities for the community. While the impact on the government, is the shorter span of control and lower administrative costs.

Community aspirations are an important factor in forming a new district. This is in accordance with Article 17 PP 2007, namely:

1. The aspirations of most local people in the form of BPD Decrees for Villages and Village Communication Forums or other names for Kelurahan in regions that are potential candidates for the regency / city area to be divided.
2. The regency / city DPRD may decide to approve or reject the aspirations as referred to in letter a in the form of a DPRD Decree based on the aspirations of the majority of the local community represented by the BPD for the Village or other names and the Village Communication Forum for the kelurahan or other names;
3. The Regent / Mayor decides to approve or reject the aspirations referred to in letter a in the form of a Regent / Mayor's decision based on the results of the regional study;

The government is obliged to conduct research on each proposed regional formation and conduct coaching, facilitation, and evaluation of the implementation of new autonomous regional governments both provincial and district / city. Thus the formation of autonomous blood in the context of decentralization in Indonesia has the following characteristics:

1. Autonomous regions do not have sovereignty or semi-sovereignty like in a federal state.
2. Autonomous regions do not have a Povouir Contituant.
3. Decentralization is manifested in the form of surrender or recognition of government affairs.

The main objectives of decentralization include, among others: to realize democratization at the local level (political equality, local accountability, and local responsiveness), improve public services and create efficiency and effectiveness in the administration of government and development in the regions. DPRD has an important role in the formation of a new autonomous region based on Law Number 32 of 2004, because one of the administrative requirements in forming an autonomous region is the approval of the local DPRD.

The approval of the DPRD on the formation of an autonomous region reflects two important aspects namely the aspects of community aspirations as well as the political aspects. As a representative of the community, the DPRD represents the people's aspirations for a proposal to establish an autonomous region so that it can be known whether the proposed formation of an area can meet the interests of the people or not.

One of the real impacts that accompanied the formation of new autonomous regions was the formation of regional government organizations consisting of the DPRD and regional executive agencies. The minimum number of DPRD members is a minimum of 20 people, then the executive is led by a Regional Head and Deputy Regional Head, and is supported by the local government bureaucracy. For regional elites, the formation of new regions is a promotion of favorable vertical mobility or promotion.

It is precisely the formation of this organization which often burdens public budgets that can increase inefficiencies if positive impacts are not followed by the community. the formation of new autonomous regions will increase the costs of governing government, but is expected to:

- a. Improving the quality and equity of services to the community;
- b. Increasing the acceleration of economic development, especially in the regions of the village;
- c. Facilitating the growth of democratic life in the regions;
- d. Improving security and order in the regions;
- e. Contribute to unity and nationality (nation building);

### **B. The Process of Forming the South Indragiri Regency**

Since the enactment of Law Number 22 Year 1999 concerning Regional Government, the division policy has experienced significant changes. Starting in 2001, the pemekaran policy process was bottom up and dominated by political processes rather than administrative. Beginning with the support of the aspirations of the community, proposed by the Regional Head and the local DPRD, then asked for approval from the Regional Head and the Regional DPRD superior, then proposed to the national government involving the Minister of the Interior, DPPD and the DPR.

From October 1999 to January 2008 164 new regions were formed, consisting of 7 new provinces, 134 new districts and 23 new cities. This policy began when the legitimacy of a weak national government in the face of political pressure from the community and regional politicians. These regulations and the political situation then provided enormous opportunities for the proliferation of regional expansion proposals and national government approval of the proposal. In just half a decade, the number of autonomous regions in Indonesia has almost doubled<sup>5</sup>.

Some examples of the formation of new regions through the Draft Law of the DPR Initiative include:

1. On October 25, 2007, the DPR submitted 13 draf law for the formation of new regions.
2. On December 10, 2007, the DPR submitted 16 draf law for the formation of new regions.
3. In February 2008 the DPR was discussing proposals for the expansion of 21 new regions.

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<sup>5</sup> Pratikno, 2008. *Usulan Perubahan Kebijakan Penataan Daerah (Pemekaran dan Penggabungan Daerah)*, Policy Paper, UGM, Jogjakarta,

Regional expansion is an important issue in the implementation of regional autonomy today. In regional expansion there is a process of government administration system chain starting from the exploration of community aspirations, planning, the process of forming organizations, institutions and government activities. The formation of new regions had an impact on the occurrence of administrative political relations between the center and the regions and other regions. The recognition has an impact with the emergence of various new discourses as a reaction to new awareness to carry out governance transparently and responsibly. One of the most urgent discourses in the implementation of regional autonomy is the division of regions or the formation of new autonomous regions<sup>6</sup>.

Government Regulation Number 129 of 2000 regulates the procedures for the Formation, Abolition and Merger of Regions which are no longer relevant to the development of state administration and demands for the implementation of Regional Autonomy so that they have been changed based on considerations as intended in letter a and to implement the provisions of Article 8 of Law Number 32 of 2004 about regional government. Government Regulation Number 78 of 2007 concerning the procedures for the Formation, Elimination and Merger of regions. Law Number 32 of 2004 concerning Regional Government, the Formation of Regions basically aims to improve public services in order to accelerate the realization of community welfare. The purpose of regional expansion is to improve the welfare of the community through:

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

The procedure for establishing a regency / city area as referred to in Article 2 paragraph (4) letter b shall be implemented as follows:

1. The aspirations of most local people in the form of BPD Decrees for Villages and Village Communication Forums or other names for Kelurahan in regions that are potential candidates for the regency / city area to be divided.
2. The regency / city DPRD may decide to approve or reject the aspirations as referred to in letter a in the form of a DPRD Decree based on the aspirations of the majority of the local community represented by the BPD for the Village or other names and the Village Communication Forum for the kelurahan or other names;
3. The Regent / Mayor decides to approve or reject the aspirations referred to in letter a in the form of a Regent / Mayor's decision based on the results of the regional study.

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<sup>6</sup> Ratnawati, Tri & Cahyo Pamungkas, , 2009 *Pemekaran Daerah Dalam Perspektif Nasional*, Pustaka Nasional

4. Each regent / mayor submits a proposal to form a regency / city to the governor for approval by attaching:
  - a. Documents of community aspirations in prospective districts / cities.
  - b. Results of regional studies.
  - c. Map of prospective regency / city area; and
  - d. District / municipality DPRD decisions and decisions of regents / mayors as referred to in Article 5 paragraph (1) letter a and letter b.
5. The Governor decides to approve or reject the proposal to form a regency / city based on an evaluation of the regional study referred to in letter c.
6. The Governor submits the proposal to form a district / city candidate to the provincial DPRD.
7. Provincial DPRD decides to approve or reject the proposal to form a district / city; and
8. In the event that the governor approves the proposal for the formation of regencies / cities, the governor proposes the formation of regencies / cities to the President through the Minister by enclosing:
  - a. documents of community aspirations in prospective districts / cities.
  - b. results of regional studies.
  - c. regional map of prospective districts / cities.
  - d. Decision of regency / city DPRD and decision of regents / mayors; and
  - e. eProvincial DPRD decisions as referred to in Article 5 paragraph (2) letter d and governor's decision as referred to in Article 5 paragraph (2) letter e.

#### Article 18

- 1) The Minister conducts research on proposals for the formation of a province or district / city.
- 2) The research referred to in paragraph (1) shall be carried out by a Team formed by the Minister.
- 3) Based on the results of the research as referred to in paragraph (2), the Minister shall submit recommendations for proposing regional formation to the DPRD.

#### Article 19

- 1) Based on recommendations for proposing regional formation, the Minister requests written responses from Members of the DPRD at the DPRD session.
- 2) In the case that the DPRD considers it necessary to clarify and re-examine the proposed regional formation, the DPRD assigns the DPRD Technical Team to conduct clarification and research.
- 3) Based on the results of clarification and research as referred to in paragraph (2), the DPRD convenes to provide suggestions and considerations to the President regarding the proposed regional formation.

#### Article 20

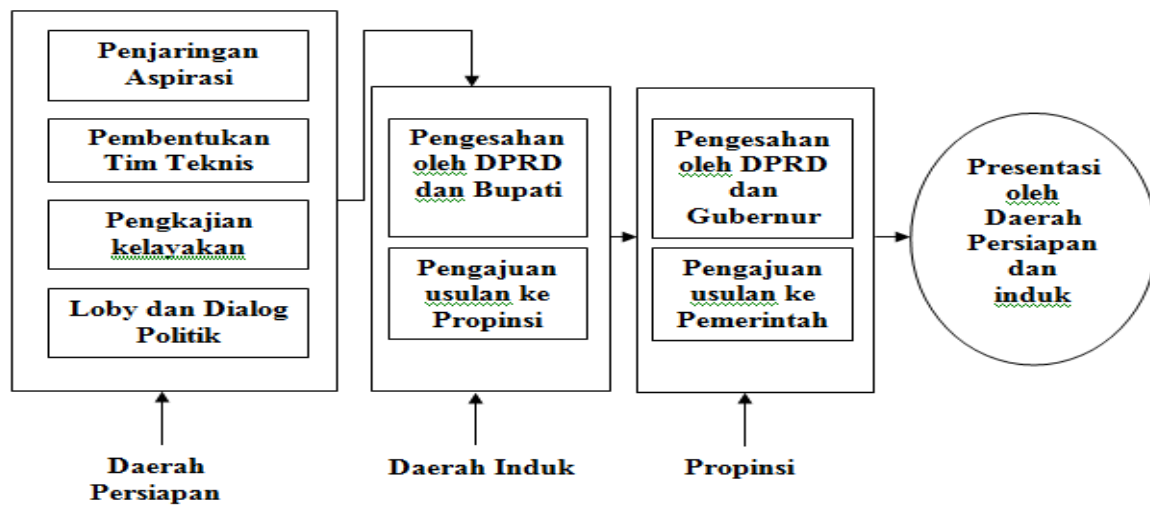
- 1) The Minister submits the proposal to form an area to the President based on the advice and consideration of the DPOD.

- 2) In the event that the President approves the proposed regional formation, the Minister prepares a draft law on regional formation.

Article 21

- 1) After the Law on Regional Formation is enacted, the Government shall carry out the inauguration of the region and inaugurate the acting head of the region.
- 2) The inauguration of the area as referred to in paragraph (1) shall be carried out no later than 6 (six) months from the enactment of the law on regional formation.

For more details about the process of proposing the formation of new territories can be seen in Figure 1 below<sup>7</sup>:



The plan to form a region of Indragiri Hilir Selatan Bahagian Regency to become South Indragiri Regency has gone through a process phase as regulated by Government Regulation No. 78 of 2007 concerning Procedures for Formation, Merger and Elimination of Regions, and up to now it has reached the Provincial level for further extension. to the Central Government for approval, only according to Dani M. Nursalam (Indragiri Hilir Regency DPRD Member) that there was an error in the proposed Indragiri Hilir Regency plan made by the Indragiri Hilir District Government, where there was a discrepancy between the recommendations of the Indragiri Hilir Regency DPRD with the The Regent of Indragiri Hilir related to the proposed expansion of Indragiri Hilir Regency, this has led to the division of the province being sent back for verification<sup>8</sup>.

Referring to the procedure, the practice of regional splitting can basically be divided into two major parts, namely proposals from the regions and follow-up from the central government. Therefore, this normative framework study will be more focused on practices occurring in the field so that positive and negative aspects are identified in the process of regional expansion and the formation of new autonomous regions. Observing the reality of the many new regions that have been formed to date, it appears that the

<sup>7</sup> *Ibid*

<sup>8</sup> Interview result Dani M. Nursalam (DPRD Kab. INHIL on 2009 - 2014) in Tembilahan

process that occurs at the central government level is relatively easy and seems to occur compromises such as:

Flexible technocratic processes, such as:

1. Eligibility criteria for pemekaran that are easily met and even manipulated (such as the criteria for the number of residents who are not obligatory because they are accumulated with other indicators), as well as the minimum standard of graduation that can be rationalized according to the regional version;
2. Feasibility study conducted by a third party that tends to support and force the division of regions.
3. The completed data forms for the candidates for new autonomous regions will open up opportunities for the parties involved to manipulate the data and information needed for regional expansion.

Along with this, the role of the preparation area does not only include administrative issues, but also needs to include several other aspects such as the following:

1. Prepare physical requirements related to spatial planning and territorial boundaries. Besides that, the spatial planning documents for the location of the new autonomous regional capital candidates and the capital candidates of the parent region are also formulated if the regional expansion occurs within the capital region of the Indu region.
2. Prepare institutional and organizational requirements related to office needs, asset identification, staff functions, organizational structure, and the planning and budgeting process. This is important to do in the preparation period so that the process of regional division becomes a shared need between the Main Region and the Prospective Autonomous Region. Thus, the conflict over the transfer of assets can already be avoided from the beginning.
3. Prepare administrative technical requirements related to cooperation with the Mother Area and third parties who will conduct an assessment of the feasibility of forming a new autonomous region or regional expansion.

From the above description, in principle, the roles of each party in the process of forming a new district can be divided, namely.

1. Civil Society (Local)
2. The voice of civil society is a key condition for the sustainability of the process of regional expansion.

In the current constellation of laws and regulations, the role of civil society is explicitly outlined in Article 17 of Government Regulation No. 78 of 2007. So, what needs to be heard and further processed is the voice of the public at large. This is in accordance with the nature of regional expansion which is oriented to improving public services and public welfare. Therefore, the role of civil society must be clearly stated in the legislation in the form of a referendum to determine the choice whether or not to make a regional division. In this connection, civil society organizations or organizations must also play a

role in empowering the community so that there is a good understanding of the advantages and disadvantages of regional divisions and the importance of conducting referendums.

1. Role of the Mother Area

a. The Role of the Regent:

- 1) Provide recommendations for approval and support for regional expansion plans based on community aspirations through Regional Studies.
- 2) Each regent / mayor submits a proposal to establish a regency / city to the governor for approval by attaching:
  - a) Documents of the aspirations of the people in prospective districts / cities.
  - b) Results of regional studies.
  - c) Map of prospective regency / city area; and
  - d) Decisions of regency / city DPRD and decisions of regents / mayors as referred to in Article 5 paragraph (1) letter a and letter b.

3) Heard with the Preparatory Area

- 4) Give approval and submit applications to the Governor and the Minister of Home Affairs to be able to grant plans for regional expansion
- 5) Establish Liason Officer as a representative of the Parent Region to conduct intensive communication with various related parties both at the regional, provincial, and central government levels.
- 6) Facilitating the observation team visit from the central government and the Indonesian Parliament
- 7) Allocate budget for regional expansion activities.

b. Role of the Parent District Parliament:

- 1) Provide recommendations and political support for regional expansion plans
- 2) Establish a Special Committee (Special Committee) which will discuss the regional expansion plan
- 3) Issue a decree of approval and support for regional expansion, as well as decisions regarding candidates for the Capital City and financial support in the preparation period to the process of forming the DPRD and the selection of Regional Heads.
- 4) Providing recommendations as well as requests to the Provincial DPRD to be able to approve regional expansion plans

c. Role of the Province

- 1) Providing recommendations and approvals regarding the division of territories and following it up by submitting an application for approval from the Central Government.
- 2) Facilitating the handover of assets between the parent area and the new area.
- 3) Based on the description of the fundamental roles of some of the parties above, it is necessary to emphasize who exactly could be the proposer, because now the impression is that the main proposer is the Regional Head / DPRD from the Main region. As evidence, it can be mentioned that the community's proposal will not mean anything if the Regent does not provide recommendations and approval to the provincial level. On the other hand, in the current laws and regulations, the resolution of conflicts in cases like this is not clearly described. Going forward, regional governments should only provide opinions or approvals / rejections on proposals and determine the parties that can play a role.

## **CONCLUSION**

1. As for the factors driving the planned expansion of the South Indragiri Bahagian region is due to a desire to improve the quality of life of the community, both sociocultural, political and economic. Prospective expansion of Indragiri Hilir Regency does not meet.
2. The process of forming a new regency must refer to Government Regulation Number 78 of 2007 concerning Procedures for the Formation, Abolition, Merger of Regions, in Article 4 Government Regulation Number 78 of 2007 it is explained that the formation of regency / city areas in the form of district / city expansion and the merger of several Subdistrict subdistricts in different regencies / cities must meet administrative, technical and physical territorial requirements.

## **REFERENCES**

### **Book**

- BPS Indragiri Hilir ,2009. Indragiri Hilir dalam Angka, Tembilahan
- Husein Umar, 2008. Metode Penelitian untuk Skripsi dan Tesis Bisnis Edisi Kedua, Rajawali Pers, Jakarta,
- Michael Malley, 2001. "Daerah Sentralisasi dan Perlawanan" dalam Donald K. Emmerson (ed.), Indonesia Beyond Soeharto: Negara, Ekonomi, Masyarakat, Transisi, PT Gramedia, Jakarta,
- Pratikno, 2008. Usulan Perubahan Kebijakan Penataan Daerah (Pemekaran Dan Penggabungan Daerah, Policy Paper, Jakarta,

Ratnawati, Tri & Cahyo Pamungkas, 2009. Pemekaran Daerah Dalam Perspektif Nasional, Pustaka Nasional,

### **Journal**

Ali Azhar, KMS Novyar Satriawan, 2020. Study of Law Number 9 Off Regarding Freedom of Speech In Publice. International Journal of Scientific & Technology Research 9, (01)

Andik Wahyun Muqoyyidin. 2013. Pemekaran Wilayah dan Otonomi Daerah Pasca Reformasi di Indonesia: Konsep, Fakta Empiris dan Rekomendasi ke Depan. Jurnal Konstitusi, 10 (2).

Ebed Hamri, Eka Intan Kumala Putri, Hermanto J. Siregar, dan Deddy S. Bratakusumah. 2016. Kebijakan Pemekaran Wilayah Dan Pengembangan Pusat Pertumbuhan EKONOMI Kota Tasikmalaya. Jurnal Ekonomi dan Kebijakan Publik, 7 (1)

Fernandes Simangunsong. 2014. Studi Kelayakan Pemekaran Wilayah Kabupaten Bekasi. Jurnal Agregasi 2(1).

KMS Novyar Satriawan Fikri dan Fauziah rahmah, 2018. Pelaksanaan Pemekaran Kecamatan Sentajo Raya Kabupaten Kuantan Singingi Menurut Peraturan Pemerintah Nomor 19 Tahun 2008 Tentang Kecamatan (Studi Terhadap Pasal 4 Huruf C DAN D), Jurnal Hukum Das Sollen 1(4)

Windhu Putra. 2012. Efisiensi Dan Efektivitas Pelayanan Rumah Sakit Setelah Pemekaran Wilayah. JEJAK Journal of Economics and Policy 5 (2)

### **World Wide Web**

Rizky Argama. 2007. Pemberlakuan Otonomi Daerah dan Fenomena Pemekaran Wilayah Di Indonesia. [Http/www.Google.com](http://www.Google.com), Sumber, Depdagri, Jakarta

Khairul Fahmi. 2010. Problematika Pembentukan Daerah Baru. [Http/www.google.com](http://www.google.com), 10 Mei. Jam 11.00 Wib.

### **Laws**

Undang-Undang Dasar 1945 Amandemen Ke IV

Undang-Undang Nomor 32 Tahun 2004 Tentang Pemerintahan Daerah

Peraturan Pemerintah Nomor 78 Tahun 2007 Tentang Tata Cara Pembentukan, Penghapusan dan Penggabungan Daerah